

G.S. 150B-21.3A Report for 21 NCAC 04, COMMISSION FOR AUCTIONEERS									
Agency - North Carolina Auctioneer Licensing Board									
Comment Period - October 28, 2016 through January 5, 2017									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 4B - AUCTIONEER LICENSING BOARD	SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS	21 NCAC 04B .0101	PURPOSE	Eff. November 1, 1984	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0102	BOARD OFFICE	Amended Eff. March 1, 2003	Necessary without substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0103	DEFINITIONS	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0104	ADMINISTRATIVE LAW PROCEDURES	Amended Eff. July 1, 1995	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0200 - APPLICATION FOR LICENSE	21 NCAC 04B .0201	APPLICATION FORMS	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0202	FILING AND FEES	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0300 - EXAMINATIONS	21 NCAC 04B .0301	SUBJECT MATTER	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0302	RE-EXAMINATION/REFUND OF FEES	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0303	EXAM: REVIEW: PAPERS AND CONTENTS	Amended Eff. June 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0400 - LICENSING	21 NCAC 04B .0401	LICENSE NUMBER: DISPLAY OF LICENSE AND POCKET CARD	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0402	LICENSE RENEWAL	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0403	APPRENTICE AUCTIONEER LICENSE	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0404	GROUND'S FOR LICENSE DENIAL OR DISCIPLINE	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0405	INVOLVEMENT IN COURT ACTION OR ADMINISTRATIVE HEARING	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0500 - SCHOOLS OF AUCTIONEERING	21 NCAC 04B .0501	APPLICATION FOR COURSE APPROVAL	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0502	REQUIREMENTS FOR APPROVAL/MINIMUM STANDARDS	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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		21 NCAC 04B .0503	CERTIFICATION OF COURSE COMPLETION	Eff. November 1, 1984	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0504	RECORDS MUST BE MAINTAINED	Eff. November 1, 1984	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0505	GROUNDNS FOR APPROVAL: SUSPENSION OR REVOCATION	Amended Eff. April 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0506	ALLOWING UNLICENSED BID CALLERS: EXCEPTION	Eff. November 1, 1984	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0600 - GENERAL AUCTIONEERING	21 NCAC 04B .0601	CHANGE OF ADDRESS OR BUSINESS NAME OR OWNERSHIP	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0602	ADVERTISING	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0603	SALE PROCEEDS, ACCOUNTING AND ESCROW ACCOUNTS	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0604	CONTRACTS, CONSIGNMENT RECORDS, SALES RECORDS, AND BIDDER REGISTRATION RECORDS	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0605	BIDDING	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0606	AUCTION FIRMS	Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0607	NON-AUCTION FIRM BUSINESSES	Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0700 - RECOVERY FUND	21 NCAC 04B .0701	APPLICATIONS	Eff. January 1, 1995	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0800 - CONTINUING EDUCATION	21 NCAC 04B .0801	CONTINUING EDUCATION COURSE	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0802	APPLICATION FOR ORIGINAL APPROVAL	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0803	STUDENT FEE FOR COURSES	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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		21 NCAC 04B .0804	APPROVAL OF CONTINUING EDUCATION INSTRUCTORS	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0805	SPONSOR REQUIREMENTS	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0806	COURSE COMPLETION REPORTING	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0807	CHANGE IN SPONSOR OWNERSHIP AND OTHER INFORMATION	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0808	COURSE RECORDS	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0809	RENEWAL OF COURSE AND SPONSOR APPROVAL	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0810	DENIAL OR WITHDRAWAL OF APPROVAL	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0811	MINIMUM CLASS SIZE	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0812	SCHEDULING AND NOTICE OF SCHEDULED COURSES	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0813	ADVERTISING; PROVIDING COURSE INFORMATION	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0814	CONDUCT OF CLASSES	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0815	INSTRUCTOR CONDUCT AND PERFORMANCE	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0816	MONITORING ATTENDANCE	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0817	STUDENT PARTICIPATION STANDARDS	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 04B .0818	ADDITIONAL SPONSOR REQUIREMENTS	Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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		21 NCAC 04B .0819	ALTERNATIVE COMPLIANCE	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest

Charles Diehl

From: Becky Stewart [becky@ncalb.org]
Sent: Monday, October 31, 2016 8:32 AM
To: 'Charles Diehl'
Subject: FW: Public Notice - Rules Review

Regards,
North Carolina Auctioneer Licensing Board
Rebecca J. Stewart (Becky)
Administrative Officer
108 Ber Creek Drive
Fuquay-Varina, NC 27526
Phone-(919) 567-2844---Fax-(919) 567-2865
becky@ncalb.org

From: marc pepper [mailto:marc_pepper@yahoo.com]
Sent: Friday, October 28, 2016 5:00 PM
To: info@ncalb.org
Subject: Re: Public Notice - Rules Review

I dont understand what this is? Periodic rewiew of.....Rules process? Not sure i follow. Is this daying that were finally updating auctioneer rules to bring us up to the 21st century?

Sent from Yahoo Mail on Android

On Fri, Oct 28, 2016 at 4:54 PM, NC Auctioneer Licensing Board
<info@ncalb.org> wrote:



Periodic Review of 21 NCAC 4B

Please visit the Board's homepage at www.ncalb.org for information about the periodic review process for the administrative rules governing Auctioneering in North Carolina. The Board has made initial determinations regarding the necessity status of each of the current rules. An explanation of this stage of the process, public comment instructions regarding these initial determinations, a listing of the initial determinations, and a copy of the existing rules as currently written are all accessible from the homepage.

Once the Periodic Review stage (necessity determinations) is completed, including review and consultation with both the Rules Review Commission and the Legislative Administrative Procedures Oversight Committee, a schedule will be established in 2017 for the amendment/re-adoption process, which will include

public comment opportunities regarding the text of any proposed or existing rules.

If you have any questions, please contact NCALB Executive Director Charles Diehl at (919) 567-2844.

NC Auctioneer Licensing Board | 108 Ber Creek Drive, Fuquay-Varina, NC 27526

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Charles Diehl

From: Charles Diehl [cdiehl@ncalb.org]
Sent: Monday, October 31, 2016 11:09 AM
To: 'marc_pepper@yahoo.com'
Subject: RE: Public Notice - Rules Review

Good morning, Mr. Pepper:

The email message and the website homepage/links offer information about the process, but please feel free to call me at the number below with any questions you may have.

Regards,

Charles F. Diehl
Executive Director
NC Auctioneer Licensing Board
(919) 567-2844
cdiehl@ncalb.org

From: Becky Stewart [mailto:becky@ncalb.org]
Sent: Monday, October 31, 2016 8:32 AM
To: 'Charles Diehl'
Subject: FW: Public Notice - Rules Review

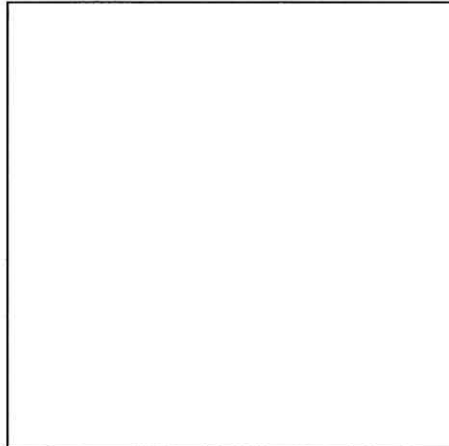
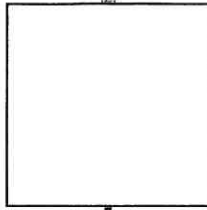
Regards,
North Carolina Auctioneer Licensing Board
Rebecca J. Stewart (Becky)
Administrative Officer
108 Ber Creek Drive
Fuquay-Varina, NC 27526
Phone-(919) 567-2844---Fax-(919) 567-2865
becky@ncalb.org

From: marc pepper [mailto:marc_pepper@yahoo.com]
Sent: Friday, October 28, 2016 5:00 PM
To: info@ncalb.org
Subject: Re: Public Notice - Rules Review

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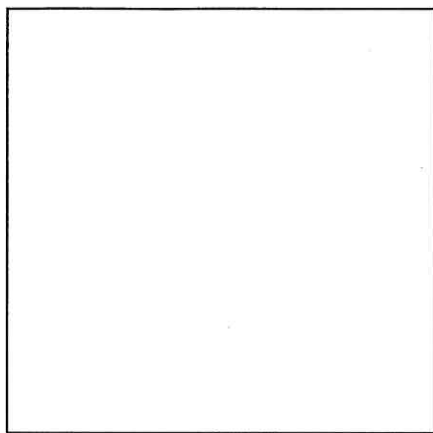
If you have any questions, please contact NCALB Executive Director Charles Diehl at (919) 567-2844.

NC Auctioneer Licensing Board | 108 Ber Creek Drive, Fuquay-Varina, NC 27526

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Charles Diehl

From: Charles Diehl [cdiehl@ncalb.org]
Sent: Friday, January 13, 2017 4:37 PM
To: 'marc_pepper@yahoo.com'
Subject: Board response to your submitted comment regarding 21 NCAC 4b Periodic Review

Dear Mr. Pepper,

On behalf of the North Carolina Auctioneer Licensing Board, thank you for your comment regarding the Periodic Review activity for 21 NCAC 4B. Your input is appreciated, and will be considered as we enter the Re-adoption of the Rules process. A public comment period will be announced for consideration of any new rules or revisions to the existing rules once a time-line is determined.

Regards,

Charles F. Diehl
Executive Director
NC Auctioneer Licensing Board
(919) 567-2844
cdiehl@ncalb.org

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Charles Diehl

From: Gary Boyd [garyboydauction@yahoo.com]
Sent: Sunday, November 13, 2016 6:35 PM
To: Diehl Charles
Subject: Fwd: rules

Sent from my iPhone

Begin forwarded message:

From: "O'Neal" <boneal1@carolina.rr.com>
Date: November 13, 2016 at 6:29:15 PM EST
To: "Gary" <garyboydauction@yahoo.com>
Subject: rules

Where it states VHS tape--Change VHS to CD or something similar more modern
Under advertising you might add Internet advertng must include your name and number as well--
Under options for CE credit, you might mention you added Auto Dealer credits will count
Suggestion:

Please review the NCALB website data base under search for auctioneer-- I believe it was entered in two different formats but often I search by name and are told no record but if you know the city or county and search that way most of the time the name appears --- That means it is not user friendly and could cause some folks to think a person does not have a license when in reality they do.

Betty O'Neal
Choose to have a great day!
www.auctionsbyoneal.com
704-474-5929



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Charles Diehl

From: Charles Diehl [cdiehl@ncalb.org]
Sent: Friday, January 13, 2017 4:38 PM
To: 'O'Neal'
Cc: 'Gary Boyd'
Subject: FW: Board response to your submitted comment regarding 21 NCAC 4b Periodic Review

Dear Ms. O'Neal,

On behalf of the North Carolina Auctioneer Licensing Board, thank you for your comment regarding the Periodic Review activity for 21 NCAC 4B. Your input is appreciated, and will be considered as we enter the Re-adoption of the Rules process. A public comment period will be announced for consideration of any new rules or revisions to the existing rules once a time-line is determined.

Regards,

Charles F. Diehl
Executive Director
NC Auctioneer Licensing Board
(919) 567-2844
cdiehl@ncalb.org

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Charles Diehl

From: Matt Price, Auctioneer [matt.price@ebids.com]
Sent: Monday, January 09, 2017 11:34 PM
To: cdiehl@ncalb.org
Subject: .101 Purpose

Charles,

We have seen in the past the many times when unlicensed entities such as Estate Tag companies start an auction between clients for the sale of goods, and venues that promote their site as an auction company or use live electronic bidding as a method to increase the values. Because of those issues, I encourage a change in the rules to say:

My suggestion is that this change to state "It is the responsibility of the Board to:

License Auctioneers
License Apprentice Auctioneers
License Auction Firms

and to investigate complaints of individuals and firms that are acting as auctioneers and take appropriate action in regards the law and their responsibility for licensing those entities, and ensure that the qualifications and activities of those engaged in auctioneering activities are in accord with the law and in the best interest of the public."

Then keeping "The Board id not a board of arbitration." However, I do believe that there needs to be a board of arbitration or other entity that will resolve those complaints - if it is auctioneering - then I believe it is the Board, if it is fraud as I have heard reported several times - then I believe the recommendation to the sate should be to

license Tag Companies. Just my opinion.

--

Matt Price, Auctioneer
(919)723-1782
www.ebbids.com

Charles Diehl

From: Matt Price, Auctioneer [matt.price@ebids.com]
Sent: Monday, January 09, 2017 11:34 PM
To: cdiehl@ncalb.org
Subject: .0104 Administrative Law Procedures

In this particular Rule - I do believe that there needs to be a preamble that clarifies if the remedies under such are for licensees or non-licensees or anyone who is engaging in "Auction Behavior" as we have seen in the past with Estate Tag companies and online "Live Auction" venues.

--

Matt Price, Auctioneer
Price Auctioneers
(919)723-1782
www.ebids.com

Charles Diehl

From: Matt Price, Auctioneer [matt.price@ebids.com]
Sent: Monday, January 09, 2017 11:35 PM
To: cdiehl@ncalb.org
Subject: .201 B Applications for Apprentice Auctioneers

I have seen in this particular form several instances of being 18 years old and a High School Graduate. In some cases, there are individuals who are taking coursework who have not yet graduated (my grandsons are one - at 17 he was in High School taking College Courses) in which a person who is in the process of completing their High School Diploma should be considered in the Apprentice area whereas successful completion of Graduation from High School or obtaining a GED needs to be forwarded on receipt of said diploma.

In other words, there are kids who are 17 who have only two hours of credit left that need to take a standard 7 hours of work, some of them are in College (Wake Tech, etc) that could go through Auctioneering as a business course (or marketing) that could apply for an apprentice license, and on graduation should be able to present the licensing board with the diploma to continue consideration of their license. If they do not graduate, then their license would terminate.

--

Matt Price, Auctioneer
Price Auctioneers
(919)723-1782
www.ebids.com

Charles Diehl

From: Matt Price, Auctioneer [matt.price@ebids.com]
Sent: Monday, January 09, 2017 11:36 PM
To: cdiehl@ncalb.org
Subject: .402 License Renewal

I would make a suggestion to place into these rules any and all payment options that the new licensee may need to know. Such as all initial fees must be made by certified check, whereas renewals may be drawn from their personal accounts or business check.

--

Matt Price, Auctioneer
Price Auctioneers
(919)723-1782
www.ebids.com

Charles Diehl

From: Matt Price, Auctioneer [matt.price@ebids.com]
Sent: Monday, January 09, 2017 11:36 PM
To: cdiehl@ncalb.org
Subject: .0500 Schools of Auctioneering

In this section, it should be noted that there are not minimum requirements for an auction school set. This means that any auctioneer may start a school at any time. I believe there needs to be the following:

Do they require accreditation from a qualified college?

Course Syllabus including tests

Textbooks if selected

Oversight requirements (if 100% of the students fail the course - what actions are taken to audit the schools teaching methodologies?)

--

Matt Price, Auctioneer
Price Auctioneers
(919)723-1782
www.ebbids.com

Charles Diehl

From: Matt Price [admyank@gmail.com]
Sent: Monday, January 09, 2017 11:37 PM
To: cdiehl@ncalb.org
Subject: .0502 Requirements for Minimum standards

In the .0502 (1) I would increase the number of hours for Auctioneering ethics to 2 hours.

--

Thank you!

YiS
Matt Price
Advisor, VOA Communications
Occoneechee Council Venturing

Charles Diehl

From: Matt Price, Auctioneer [matt.price@ebids.com]
Sent: Monday, January 09, 2017 11:37 PM
To: cdiehl@ncalb.org
Subject: .0503 (2) Supplemental Instruction Areas

Charles -

Sorry for this large number of emails - I am following the website in how it has to be addressed.

There needs to be a supplemental addition to Online Sales such as proxibid as well as online advertising such as AuctionZip that includes inclusion of licensing information.

--

Matt Price, Auctioneer
Price Auctioneers
(919)723-1782
www.ebids.com

Charles Diehl

From: Matt Price [admyank@gmail.com]
Sent: Monday, January 09, 2017 11:37 PM
To: cdiehl@ncalb.org
Subject: .0602 (k) Violation of Rules to advertise descriptive words

As we have seen here in Fuquay Varina - some places have gone out of business at least three times.

"Going out of Business" and "Retirement" sales should be additional words that can be used to be deceptive in advertising that should also be part of this rule.

--

Thank you!

YiS
Matt Price
Advisor, VOA Communications
Occoneechee Council Venturing

Charles Diehl

From: Matt Price, Auctioneer [matt.price@ebids.com]
Sent: Monday, January 09, 2017 11:37 PM
To: cdiehl@ncalb.org
Subject: .0801 Continuing Education

Sub part (d) states the minimum number is 6 (six) Since it has been 4 for several years, should this also be changed.

Additionally, should there also be minimums as to what should be delivered. I.E. we have the list for schools - but what about changes or new items that come down the pike insofar as advertising or marketing? I believe the board should look at that as

--

Matt Price, Auctioneer
Price Auctioneers
(919)723-1782
www.ebids.com

Charles Diehl

From: Charles Diehl [cdiehl@ncalb.org]
Sent: Friday, January 13, 2017 4:38 PM
To: 'Matt Price, Auctioneer'
Subject: Board response to your submitted comment regarding 21 NCAC 4b Periodic Review

Dear Mr. Price,

On behalf of the North Carolina Auctioneer Licensing Board, thank you for your comment regarding the Periodic Review activity for 21 NCAC 4B. Your input is appreciated, and will be considered as we enter the Re-adoption of the Rules process. A public comment period will be announced for consideration of any new rules or revisions to the existing rules once a time-line is determined.

Regards,

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