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Final Regulation Agency Background Document

Agency name	Auctioneers Board
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC25-21
VAC Chapter title(s)	Regulations of the Virginia Auctioneers Board
Action title	General Regulatory Reduction Initiative
Date this document prepared	June 12, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Auctioneers Board (“the Board”) is amending the Regulations of the Virginia Auctioneers Board to (i) update and clarify provisions of the regulation, to include ensuring that the regulation reflects current agency procedures and practices; (ii) ensure the regulation compliments current Virginia law, and is clearly written and understandable; (iii) remove requirements in the regulation that are not necessary to protect the public welfare; and (iv) reduce regulatory burdens, while still protecting the public health, safety, and welfare.

The action includes significant changes to (i) entry requirements for licensure for individuals and firms (ii) sections pertaining to standards of practice; (iii) sections pertaining to standards of conduct; and (iv) requirements for approval of auction courses.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"APA" means the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia.)

"CE" means continuing education.

"DPOR" means Department of Professional and Occupational Regulation.

"SCC" means State Corporation Commission.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On January 15, 2025, the Auctioneers Board adopted final amendments to the Regulations of the Virginia Auctioneers Board.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency is the Auctioneers Board. Chapter 6 of Title 54.1 of the Code of Virginia enumerates the legal authority for the Board to administer licensure of auctioneers and auction firms.

Section 54.1-602 of the Code of Virginia states, in part:

B. The Board shall have the following authority and responsibilities:

1. Establish regulations to obtain and retain licensure of auctioneers.
2. Make all case decisions regarding eligibility for initial licensure and renewal thereof.
3. To fine, suspend, deny renewal or revoke for cause, as defined in regulation, any license.

4. To examine auctioneers for licensure.

In addition, § 54.1-201 of the Code of Virginia provides, in part:

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The General Assembly has charged the Board with the responsibility for regulating individuals and firms that conduct or offer to conduct an auction by requiring that such individuals and firms obtain a license to sell at auction.

The offering and conducting of auctions by those who lack sufficient expertise, competence, integrity, and financial responsibility poses a risk to the public health, safety, and welfare. Risks include (i) financial harm to consumers as the result of an auction that is not properly conducted; and (ii) harm to consumers as a result of those who lack the character and integrity of to perform the duties of an auctioneer.

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession.

In accordance with the provisions of Executive Directive Number One (2022), the Board conducted a general review of their regulations in order to identify areas where regulatory requirements could be removed or reduced.

The goals of this regulatory action are:

1. Updating and clarifying the provisions of the regulation. This includes ensuring the regulation reflects current agency procedures and practices;
2. Ensuring the regulation complements current Virginia law, and is clearly written and understandable;
3. Remove requirements in the regulation that are not necessary to protect the public welfare; and
4. Reduction of regulatory burdens, while still protecting the public health, safety, and welfare.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

1. Section -20 is revised to remove regulatory provisions that an applicant must complete a course of study at a Board-approved auctioneering school and pass a license examination. These requirements are established in § 54.1-603 of the Code of Virginia.
2. Entry requirements in section -20 pertaining to prior criminal history are significantly revised. Revisions include providing that an applicant disclose (i) non-marijuana misdemeanors involving moral turpitude, sexual offenses, drug distribution, or physical injury within three (3) years of the date of application; and (ii) all felony convictions within 10 years of the date of application. This change reduces the “look back” period for prior criminal convictions that may be potentially disqualifying to an applicant.
3. Entry requirements in section -20 pertaining to prior disciplinary history are significantly revised. The revised provisions require that applicant must report any action taken by a board or administrative body against a professional or occupational license, certification, or registration issued to the applicant. The revised provisions allow for the Board to consider prior regulatory discipline other than discipline related to the practice of auctioneering.
4. Section -40 is revised to (i) remove a provision that nonresident applicants file the irrevocable consent that service of process upon the DPOR Director is valid and binding as the service of process upon the applicant, which is provided for in § 54.1-603 of the Code of Virginia; and (ii) streamline provisions regarding qualifications for licensure by reciprocity.
5. Application procedures in section -50 are revised to reflect current agency practice. The provisions in the section regarding prior criminal history and prior disciplinary action are revised to be consistent with changes to section -20.
6. Section -60, which provides for the content for the license examination, is repealed. This change is intended to reflect current agency practice, as the Board refers the auctioneer examination to a company that supplies the examination and does not determine the requirements of the examination.
7. Section -80 is revised to (i) remove unnecessary provisions regarding mailing of a renewal notice; and (ii) remove unnecessary language stating that fees must be made payable to the Treasurer of Virginia.
8. Section -90 is revised to remove unnecessary provisions regarding the expiration of licenses.
9. Section -100, which provides for advertising standards, is revised to remove standards regarding the truthfulness of advertising that already provided for in § 54.1-607 of the Code of Virginia.
10. Section -110 is revised to require that an auction contract include (i) the email address and website (if applicable) of the auctioneer entering into the contract; and (ii) the email address of the property owner.
11. Section -110 is revised to clarify the current standard regarding contract provisions for accounting of items sold.
12. Section -110 is revised to remove an unnecessary requirement that a contract include a statement that an owner has read and accepted to the terms of the contract.
13. Section -130, which establishes requirements for display of license, is repealed as these requirements are not necessary to protect the health, safety, and welfare of the public.
14. Section -140 is revised to replace the term “clerk sheets” with “itemized accounting of all items auctioned” when detailing documents that must be provided to an owner upon completion of the licensee’s services.
15. Section -140 is revised to incorporate recordkeeping requirements currently located in section -160. These requirements are revised. Changes include reducing the record retention period from four (4) years to three (3) years.
16. Section -150 is revised to (i) lessen the restrictiveness of the timeframe for placing proceeds of a personal property auction in escrow; (ii) remove the provision that contingency accounts established to guarantee checks accepted on the owner’s behalf will not be considered commingling of funds; (iii) remove the provision that there must be periodic withdrawals from an escrow account containing funds that ultimately belong to a licensee; and (iv) remove requirements for written disclosures in a contract when funds are placed in an interest-bearing account.

17. Section 160, which provides for recordkeeping requirements, is repealed. The requirements in this section are relocated to section -140 and revised.
18. Section -170 is revised to remove the requirement that a licensee inform the Board of all licenses, certificates, and registrations affected by an address change if the licensee holds more than one license, certificate, or registration.
19. The prohibited acts relating to post licensure convictions and post licensure regulatory discipline in section -180 are revised to remove provisions that stipulate a certified copy of a final order, decree, or case decision by a court or regulatory agency is prima facie evidence of a conviction or violation.
20. Section -190 is revised to incorporate the requirements currently in sections (i) -200 (Requirements for course approval); (ii) -210 (Amendments and changes); and (iii) -220 (Periodic requalification for continued course approval). Sections -200, -210, and -220 are repealed.
21. The qualifications for school instructors in section -190 are revised to reduce the stringency of the current requirements in the regulation. As revised, a school must provide the names of Virginia licensed auctioneer instructors and confirmation in the various aspects of a minimum of 50 auctions.
22. Section -240 is revised to remove provisions requiring a course provider to obtain course feedback from attendees and keep records of such feedback.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantages to the public and the regulated community are that the amendments to the regulation will:

1. Provide needed updating and clarification;
2. Reduce regulatory burdens, while still protecting the public health, safety, and welfare; and
3. Remove requirements in the regulation that are not necessary to protect the public welfare.

There are no identifiable disadvantages to the public. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

There are no identifiable disadvantages to the agency or the Commonwealth.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

No comments were received following publication of the previous stage.

Commenter	Comment	Agency response
N/A	N/A	N/A

Detail of Changes Made Since the Previous Stage

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
21-20	N/A	The section catchline is revised to reflect “Licensure by examination.”	The section catchline is further revised to reflect “Licensure by examination for individuals.”	This change is intended to more clearly provide that the provisions of the section apply applicants for individual licensure.
21-20	N/A	Individual licensure standards regarding prior criminal convictions were proposed to be revised to provide that any plea of <i>nolo contendere</i> is considered a conviction. The	*These proposed revisions are removed.	*Language regarding pleas of <i>nolo contendere</i> being considered a conviction and record of conviction being accepted as <i>prima facie</i> evidence of conviction or finding of guilt are being removed from other DPOR regulations. This change

		<p>record of conviction received from a court will be accepted as <i>prima facie</i> evidence of a conviction or finding of guilt.</p>		<p>was made to align this regulation with other DPOR regulations.</p>
<p>21-20</p>	<p>N/A</p>	<p>Individual licensure standards regarding prior disciplinary action were proposed to be revised to require that an applicant be not found by any regulatory board or agency to have violated any applicable law or regulation. A certified copy of a final order, decree, or case decision by a court, regulatory board, or agency with the lawful authority to issue such order would be admissible as <i>prima facie</i> evidence of such conviction or discipline.</p>	<p>*These proposed revisions are replaced with different provisions.</p>	<p>*Proposed provisions regarding prior disciplinary action are revised to provide that an applicant must report any action taken by a board or administrative body against a professional or occupational license, certification, or registration issued to the applicant. Disciplinary action includes (i) any suspension, revocation, or surrender of a license, certification, or registration; (ii) imposition of a monetary penalty; or (iii) requirement to take remedial education or other corrective action. The Board, at its discretion, may deny licensure to any applicant for any prior action taken.</p> <p>This change is made to make provisions regarding disclosure of prior disciplinary action consistent with changes be made to other DPOR regulations.</p> <p>This change is intended to enhance protection of the public welfare. An individual who has been previously subject to regulatory discipline against a professional or occupational license may lack the fitness to engage in the profession, and may pose a risk to the public welfare.</p>

21-50	N/A	Firm licensure standards regarding prior criminal convictions were proposed to be revised to provide that any plea of <i>nolo contendere</i> is considered a conviction. The record of conviction received from a court will be accepted as <i>prima facie</i> evidence of a conviction or finding of guilt.	*These proposed revisions are removed.	*Language regarding pleas of <i>nolo contendere</i> being considered a conviction and record of conviction being accepted as <i>prima facie</i> evidence of conviction or finding of guilt are being removed from other DPOR regulations. This change was made to align this regulation with other DPOR regulations.
21-50	N/A	Firm licensure standards regarding prior disciplinary action were proposed to be revised to require that an applicant not be found by any regulatory board or agency to have violated any applicable law or regulation.	*These proposed revisions are replaced with different provisions.	<p>*Proposed provisions regarding prior disciplinary action are revised to provide that an applicant must report any action taken by a board or administrative body against a professional or occupational license, certification, or registration issued to the applicant. Disciplinary action includes (i) any suspension, revocation, or surrender of a license, certification, or registration; (ii) imposition of a monetary penalty; or (iii) requirement to take remedial education or other corrective action. The Board, in its discretion, may deny licensure to any applicant for any prior action taken.</p> <p>This change is made to make provisions regarding disclosure of prior disciplinary action consistent with changes be made to other DPOR regulations.</p> <p>This change is intended to enhance protection of the public welfare. An</p>

				individual who has been previously subject to regulatory discipline against a professional or occupational license may lack the fitness to engage in the profession, and may pose a risk to the public welfare.
21-80	N/A	Included directive to make fees payable to the Treasurer of Virginia.	*This provision is removed.	*This language is removed as it is not a rule or requirement necessary for licensure. This language is instructional and is present on DPOR's website and on application forms.
21-100	N/A	This section providing for advertising standards was proposed to be repealed in the previous stage.	*Provisions requiring advertisements to include licensee name, license number, the firm, and their license number on the advertisement will not be repealed.	*To be as transparent with the client it was preferred to maintain requiring licensee contact information on advertisements.
21-110	N/A	Provisions in subdivision A 2 of this section regarding licensee contact information are revised to require that the contract include the licensee's email address and website.	*These provisions are further revised to provide that the contract must include the licensee's website, if applicable.	*This change is made in consideration of licensee's that may not use a website for their services. The change is intended to provide flexibility to licensees.
21-170	N/A	No substantive changes were proposed to this section during the previous stage.	*The section is revised to remove the requirement that a licensee inform the Board of all licenses, certificates, and registrations affected by an address change if the licensee holds more than one license, certificate, or registration.	*Provisions requiring a licensee to report address changes to all licenses, certificate, and registrations are removed to reduce regulatory requirements. *Provisions regarding the issuing of an amended license are removed as they are not necessary to be in regulation as this is a task that is performed

			<p>*The section is further revised to remove a provision specifying that the Board will issue an amended license without fee for the unexpired portion of the license period when a change of address is report.</p>	<p>administratively by DPOR whenever there is a change of address</p>
21-180	N/A	<p>The prohibited acts section was proposed to be revised to remove the prohibited act for not demonstrating reasonable care, judgment, or application of the licensee's knowledge and ability in the performance of auctioneering duties.</p> <p>No other substantive changes were proposed during the previous stage.</p>	<p>*The prohibited act for not demonstrating reasonable care, judgment, or application of the licensee's duties will not be removed.</p> <p>*The prohibited acts relating to post licensure convictions and post licensure regulatory discipline are revised to remove provisions that stipulate a certified copy of a final order, decree, or case decision by a court or regulatory agency is <i>prima facie</i> evidence of a conviction or violation.</p>	<p>*The Board determined that the prohibited for not demonstrating reasonable care, judgment, or application of the licensee's duties should remain in the regulation as it is necessary to protect the public welfare.</p> <p>*Provisions specifying that a certified copy of an order is <i>prima facie</i> evidence of a conviction or regulatory discipline are not necessary. These types of provisions are being removed from other DPOR regulations.</p>
21-240	N/A	<p>No substantive changes were proposed to this section during the previous stage.</p>	<p>*Provisions requiring a course provider to obtain course feedback from attendees and keep records of such feedback are removed.</p>	<p>*These requirements are removed as they were deemed overly prescriptive; many providers already gather feedback independently. This streamlines the regulation and reduces administrative burden.</p>
21-9998	N/A	N/A	<p>The forms section is revised to update applications to reflect changes to the regulation.</p>	<p>The application forms for auctioneering school course approval and continuing education course approval are revised to reflect the changes in the regulation.</p>

Detail of All Changes Proposed in this Regulatory Action

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
N/A	N/A	The title of the regulation is "Regulations of the Virginia Auctioneers Board."	<p>The title of the regulation is revised to reflect "Regulations of the Auctioneers Board."</p> <p>The change revises the title of the regulation to reflect the correct name of the Board as established in the Code of Virginia.</p>
21-10	N/A	Provides for definitions that are necessary to make the regulation clear and understandable.	A minor stylistic change is made.
21-20	N/A	<p>This section establishes the entry requirements for auctioneers.</p> <p>All persons or firms that conduct auctions or offer their services to sell at auction are required to file a licensure application and pay a fee to the Board.</p> <p>Applicants for individual licensure must:</p> <ul style="list-style-type: none"> • Be at least 18 years of age; • Successfully complete a course of study at a school of auctioneering approved by the Board; • Pass a license examination administered by the Board or its designee; • Not been previously found by any regulatory board or agency to have violated any applicable laws or regulations in the course of performing auctioneer duties; and 	<p>The section catchline is revised to reflect "Licensure by examination for individuals."</p> <p>*The section is revised to remove provisions that an applicant must complete a course of study at a Board-approved auctioneering school and pass a license examination. These requirements are established in § 54.1-603 of the Code of Virginia. The section is revised to replace these provisions with a reference to the applicable code section.</p> <p>*The provisions regarding prior disciplinary action and criminal convictions are significantly revised.</p> <p>*The revised provisions require an applicant to disclose the following criminal history:</p> <ul style="list-style-type: none"> • Non-marijuana misdemeanors involving moral turpitude, sexual offenses, drug distribution, or

		<ul style="list-style-type: none"> • Not have been convicted or found guilty of a non-marijuana misdemeanor involving moral turpitude or any felony. <p>The section further provides that any plea of <i>nolo contendere</i> is considered a conviction. A certified copy of a final order, decree, or case decision by a court or regulatory agency with the lawful authority to issue such order is admissible as <i>prima facie</i> evidence of such conviction or discipline.</p> <p>Applicants that do not meet entry requirements may be approved for licensure following consideration by the Board in accordance with § 54.1-204 of the Code of Virginia.</p>	<p>physical injury within three (3) years of the date of application; and</p> <ul style="list-style-type: none"> • All felony convictions within 10 years of the date of application. <p>The revised criminal history provisions would potentially allow more individuals with a prior criminal history to qualify for licensure without requiring the Board to review and approve the application.</p> <p>*The revised disciplinary action provisions require that applicant must report any action taken by a board or administrative body against a professional or occupational license, certification, or registration issued to the applicant. Disciplinary action includes (i) any suspension, revocation, or surrender of a license, certification, or registration; (ii) imposition of a monetary penalty; or (iii) requirement to take remedial education or other corrective action. The Board, in its discretion, may deny licensure to any applicant for any prior action taken.</p> <p>The revised provisions allow for the Board to consider prior regulatory discipline other than discipline related to the practice of auctioneering.</p> <p>This change is intended to enhance protection of the public welfare. An individual who has been previously subject to regulatory discipline against a professional or occupational license may lack the fitness to engage in the profession, and may pose a risk to the public welfare.</p> <p>A minor stylistic change is to replace “shall” with “must” is made.</p>
21-30	N/A	<p>This section provides for the bonding requirement for applicants.</p> <p>Applicants must submit evidence that a surety bond has been obtained. The bond must meet the following requirements:</p>	<p>Minor stylistic changes to replace “shall” with “must” are made.</p>

		<ul style="list-style-type: none"> • Be executed by a surety company authorized to do business in Virginia; • A minimum amount of \$10,000; • Commence no later than the effective date of the license and expire no sooner than the expiration date of the license. <p>Proof of current bond must be submitted in order to obtain or renew a license.</p>	
21-40	N/A	<p>This section provides for licensure by reciprocity.</p> <p>The section provides that the Board may issue a license to any individual applicant holding a license in any state, territory, or possession of the United States with whom the Board has established an act of reciprocity provided the requirements and standards under which the license was issued are substantially equivalent to those established by the Board.</p> <p>An applicant for licensure by reciprocity must be currently licensed in the state in which reciprocity is established with Virginia.</p> <p>The Board may deny an application if the licensed auctioneer has been:</p> <ul style="list-style-type: none"> • Found guilty by any regulatory board or agency to have violated any applicable laws or regulations in the course of performing auctioneering duties; or • Found guilty by a court of any non-marijuana misdemeanor, other criminal offense, or material misrepresentation in the course of performing auctioneer duties. 	<p>*The section is revised to clarify that the Board may issue a license by reciprocity to individuals provided that the requirements and standards under which the original license was issued are equivalent established in section - 20 (entry standards for individuals).</p> <p>*The section is revised to remove the provisions regarding the grounds for denial of a reciprocity application. These provisions are replaced by the reference to section -20.</p> <p>*The section is revised to remove the provision that nonresident applicants file the irrevocable consent that service of process upon the DPOR Director is valid and binding as the service of process upon the applicant. This requirement is provided for in § 54.1-603 of the Code of Virginia.</p>

		<p>The section further provides that a certified copy of a final order, decree, or case decision by a court or regulatory agency with the lawful authority to issue such order is admissible as prima facie evidence of such conviction or discipline.</p> <p>The section also provides that nonresident applicants must file with the Board an irrevocable consent that service of process upon the DPOR Director is valid and binding as the service of process upon the applicant.</p>	
21-50	N/A	<p>This section provides for application procedures and specific requirements for firms.</p> <p>The section provides that applicants for licensure submit a fully-executed application with the appropriate fee.</p> <p>Applicants will be notified if their application is incomplete.</p> <p>Applications for licensure by examination must comply with the requirements of the Board's designee regarding the deadline for submission of the application to the Board's designee.</p> <p>Applications will be reviewed by Board staff or a designee to determine eligibility for examination and licensure within 30 days of receipt by DPOR. However, failure to review an application within 30 days of receipt does not imply or result in automatic approval of the application. No applicant will be approved for licensure unless all entry requirements are met.</p> <p>A corporation, limited liability company, or other entity must include copies of (i) the certificate of incorporation or certificate of organization issued by the SCC; (ii) articles; and (iii) bylaws.</p>	<p>*The section is revised to replace the requirement that an applicant submit a fully executed application with a requirement that an applicant submit a completed application. This change is intended to reflect current agency practice and make the application procedures consistent with those in other DPOR regulations.</p> <p>*The section is revised to remove the provision that applicants for licensure by examination comply with the requirements of the Board's designee regarding the deadline for submission of the application to the Board's designee.</p> <p>*The section is revised to remove the provisions regarding the timeframe for review of an application by Board staff.</p> <p>*The section is revised to remove the provision that an applicant will not be approved for licensure unless all entry requirements are met.</p> <p>*The provisions regarding prior disciplinary action and criminal convictions are significantly revised.</p> <p>*The revised provisions require an applicant to disclose the following criminal history:</p> <ul style="list-style-type: none"> • Non-marijuana misdemeanors involving moral turpitude, sexual

		<p>Foreign business entities must include copies of the certificate of authority to conduct business issued by the SCC in lieu of a certificate of incorporation or organization.</p> <p>A firm applicant must:</p> <ul style="list-style-type: none"> • Not been previously found by any regulatory board or agency to have violated any applicable laws or regulations in the course of performing auctioneer duties; and • Not have been convicted or found guilty of a non-marijuana misdemeanor involving moral turpitude or any felony. <p>The section further provides that any plea of <i>nolo contendere</i> is considered a conviction. A certified copy of a final order, decree, or case decision by a court or regulatory agency with the lawful authority to issue such order is admissible as <i>prima facie</i> evidence of such conviction or discipline.</p> <p>Firms that do not meet entry requirements may be approved for licensure following consideration by the Board in accordance with § 54.1-204 of the Code of Virginia.</p>	<p>offenses, drug distribution, or physical injury within three (3) years of the date of application; and</p> <ul style="list-style-type: none"> • All felony convictions within 10 years of the date of application. <p>*The Board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.</p> <p>The revised criminal history provisions would potentially allow more individuals with a prior criminal history to qualify for licensure without requiring the Board to review and approve the application.</p> <p>*The revised disciplinary action provisions require applicant must report any action taken by a board or administrative body against a professional or occupational license, certification, or registration issued to the applicant. Disciplinary action includes (i) any suspension, revocation, or surrender of a license, certification, or registration; (ii) imposition of a monetary penalty; or (iii) requirement to take remedial education or other corrective action. The Board, in its discretion, may deny licensure to any applicant for any prior action taken.</p> <p>The revised provisions allow for the Board to consider prior regulatory discipline other than discipline related to the practice of auctioneering.</p> <p>This change is intended to enhance protection of the public welfare. An individual who has been previously subject to regulatory discipline against a professional or occupational license may lack the fitness to engage in the profession, and may pose a risk to the public welfare.</p> <p>Minor stylistic changes, including to replace “shall” with “must” or “will” where appropriate are made.</p>
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21-60	N/A	<p>This section provides for the content for the license examination.</p> <p>The section requires that the examination test an applicant's knowledge of the following:</p> <ul style="list-style-type: none"> • Fundamentals of auctioneering; • Elementary principles of real estate; • Preparation of contracts; • Advertising; • Final settlement statements; • Arithmetic and percentages; • Ethics; and • Laws and regulations related to auctioneering. 	<p>*This section is repealed.</p> <p>The Board currently refers the auctioneer examination to a company that supplies the examination. The Board does not determine the requirements of the examination. The change updates the regulation to reflect current agency practice.</p>
21-70	N/A	<p>This section provides for licensing fees.</p> <p>The section establishes the schedule of fees for initial licensure, renewal of licenses, late renewal of licenses, and reinstatement of licenses.</p> <p>The section also provides that fees are non-refundable and will not be prorated.</p> <p>The section further provides that the fee for examination is subject to charges contracting by an outside vendor. These contracts are competitively negotiated and bargained for in accordance with the Virginia Public Procurement Act. The Board may adjust fees charged to candidates in accordance with the contract.</p>	<p>A minor stylistic change to replace "shall" with "will" is made.</p>
21-80	N/A	<p>This section provides for the expiration of licenses and renewal procedures.</p> <p>The section provides that licenses are issued for a two-year period.</p> <p>The Board will mail a renewal notice to the licensee at the licensee's last known mailing</p>	<p>*The section is revised to remove the provisions regarding mailing of the renewal notice. These provisions are not necessary.</p> <p>*Language stating that fees must be made payable to the Treasurer of Virginia is removed as it is not a rule or requirement necessary for licensure. This language is instructional and is present on</p>

		<p>address. The notice outlines the amount due and the procedure for renewal.</p> <p>Failure of a licensee to receive a renewal notice does not relieve the licensee of the obligation to renew.</p> <p>A licensee is required to renew the license by submitting to the Board:</p> <ul style="list-style-type: none"> • The proper fee made payable to the Treasurer of Virginia; and • Verification of current surety bond coverage as required by section -30 of the regulation. <p>By renewing a license, the licensee certifies the licensee is in continued compliance with:</p> <ul style="list-style-type: none"> • The Standards of Practice in Part IV of the regulation; • The Standards of Conduct in Part V of the regulation; and • The Continuing Education Requirements in Part VII of the regulation. 	<p>DPOR’s website and on application forms.</p> <p>Minor stylistic changes to replace “shall” with “will” are made.</p>
21-90	N/A	<p>This section provides for late renewal and reinstate of licenses.</p> <p>A licensee that fails to renew a license within 30 days after the license expires must pay a late renewal fee.</p> <p>The date that the complete renewal application, including all fees and documentation, is received by the Board or its agent will determine whether a license will be renewed without penalty or will be subject to reinstatement requirements.</p> <p>A licensee that fails to renew a license within six (6) calendar months after the expiration date after the expiration date of the</p>	<p>*The section is revised to remove the provisions that specify licenses expire 24 months from the last day of the month in which the license was issued, and that expiration date will be included on the license. These provisions are unnecessary.</p> <p>Minor stylistic changes, including to replace “shall” with “must” or “will” where appropriate are made.</p>

		<p>license must apply for reinstatement of the license.</p> <p>An applicant for reinstatement must submit a reinstatement application and fee. An applicant whose license has been expired for more than six months, but less than two years must have the application evaluated by the Board to determine if the applicant meets renewal requirements. Individuals who are licensed must provide evidence of having completed CE.</p> <p>If a license has been expired for two or more years, the applicant must submit a new application and meet current entry requirements in effect at the time the application is received by the Board. The applicant is required to submit the examination fee and sit for and pass the license examination or meet the requirements for licensure by reciprocity in section -40.</p> <p>Any auctioneering activity conducted between the time the previous license expired and the effective date of the new license will be considered unlicensed activity.</p> <p>The section provides that the Board is not divested of its authority to discipline a licensee for a violation of the law or regulation during the period of time for which the licensee was licensed.</p> <p>The section further provides that licenses issued under the regulation expire 24 months from the last day of the month in which the license was issued. The expiration date of the license will be included on the license.</p>	
21-100	N/A	This section provides for advertising standards.	*The section is revised to remove the standards regarding the truthfulness

		<p>The section requires that all advertising be truthful; and that advertising contain no false, misleading, or deceptive statements with respect to:</p> <ul style="list-style-type: none"> • The types or conditions of merchandise offered at auction; • Why merchandise is being sold; • Who has ownership of the merchandise; • Where the merchandise was obtained; or • The terms and conditions of the auction and sale. <p>The section also provides that all advertisements relating to an auction must clearly display:</p> <ul style="list-style-type: none"> • The name of the auctioneer or auction firm; and • The Virginia license number of the auctioneer or auction firm. 	<p>of advertising as these standards are currently provided for in § 54.1-607 of the Code of Virginia.</p>
21-110	N/A	<p>This section provides for standards for auction contracts.</p> <p>The section requires that when a licensee agrees to conduct an auction, the licensee draw a contract setting forth the particulars of the terms and conditions under which the licensee received the real or personal property for auction and the particulars for the disbursement of proceeds.</p> <p>A contract for auction must include the following:</p> <ul style="list-style-type: none"> • A detailed list of the real or personal property received for sale with adequate descriptions of the property so that personal property of material value can be identified. <ul style="list-style-type: none"> ○ If a list cannot be made at the time of contract 	<p>*The requirement in subdivision A 7 regarding statement on the accounting of items sold is revised to provide that the contract include a statement indicating the auctioneer will maintain an itemized accounting of all items sold on a daily basis to be made available upon request to the owner. This change is made to clarify the current standard.</p> <p>*The requirement in subdivision A 8 that the contract include a statement above the owner's signature line acknowledging agreement to the terms of the contract is removed. This requirement is unnecessary to protect the health, safety, and welfare of the public.</p> <p>*Provisions in subdivision A 2 regarding licensee contact information are revised to provide that the contract include the licensee's email address and website, if applicable.</p>

		<p>signing, and the owner of the items agrees in writing to waive this requirement in an addendum to the contract, then a list must be made a part of the contract and attached prior to auction of the property for that day.</p> <ul style="list-style-type: none"> ○ If the licensee enters into a contract to sell items on a consignment basis where the total value of all items to be sold at any one auction does not exceed \$500, then the requirement for a detailed list of property is not applicable. • The name, address, telephone number, and license number of the licensee; • The name, address, and telephone number of the property owner; • The date, time, and place of the auction at which the property is scheduled to be auctioned; and the date by which the unsold property is to be returned or otherwise disposed of in accordance with the contract; • The fee or percentage of gross sales the licensee will charge the owner and what services are included in the fee, such as preparation, travel, labor, advertising, and any other auction related expenses; • The date the owner is to be paid; and who is responsible for disbursing the funds; • A statement that the clerk sheets, or other evidence to properly account for all items sold will be given or made available for inspection by the owner on a daily basis; and • A statement above the owner's signature line that states "I have read and 	<p>*Provisions in subdivision A 3 regarding property owner contact information are revised to provide that the contract include the property owner's email address.</p> <p>Minor stylistic changes, including to replace "shall" with "must" are made.</p>
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		<p>accepted the terms of this contract.”</p> <p>The section also provides that a legible executed copy of the contract and any addendums be given to the owner at the time of execution.</p>	
21-120	N/A	<p>This section provides for standards for conduct at auctions.</p> <p>The section prohibits attempting to escalate bidding through false bids or through collusion with another (shills).</p> <p>The section prohibits a licensee from bidding on the owner’s behalf nor knowingly accept a bid made by the owner or on the owner’s behalf unless notice has been given that liberty for such bidding has been reserved.</p> <p>The section further prohibits a licensee from bidding on the licensee’s own behalf or knowingly accepting a bid on the licensee’s behalf unless notice has been given that such bidding will be permitted.</p>	<p>Minor stylistic changes, including to replace “shall” with “must” or “will” where appropriate are made.</p>
21-130	N/A	<p>This section establishes requirements for display of license.</p> <p>Auctioneers must carry their pocket cards on their person and produce them upon request.</p> <p>Auction firms must display their license in a conspicuous location at the firm’s address of record. An address of record cannot be a post office box.</p>	<p>*This section is repealed.</p> <p>The requirements of this section are not necessary to protect the health, safety, and welfare of the public.</p>
21-140	N/A	<p>This section requires each owner, upon completion of the licensee’s service, be given legible copies of bills of sale, clerk sheets, consignment sheets, settlement papers, balance sheets, or other</p>	<p>The section is divided into subsections.</p> <p>*Subsection A provides for the items that must be given to an owner following completion of the licensee’s services. The term “clerk sheets” is</p>

		<p>evidence to properly account for all items sold at auction.</p>	<p>replaced with “itemized accounting of all items auctioned.”</p> <p>*Subsection B incorporates recordkeeping requirements currently in section -160. The recordkeeping standard is revised to provide that a licensee must keep for a period of three (3) years from the date of settlement:</p> <ul style="list-style-type: none"> • All items specified in subsection A of the section; • The contract; and • Buyer records. <p>*Business records must be available for inspection by the Board or its agents upon request.</p> <p>*The revised recordkeeping provisions reduce the record retention period from four (4) years to three (3) years.</p> <p>Minor stylistic changes, including to replace “shall” with “must” are made.</p>
<p>21-150</p>	<p>N/A</p>	<p>This section provides for the requirements for escrow funds.</p> <p>The section requires that proceeds of a personal property auction that are not disbursed to the owner on auction day be deposited in an auction escrow account by the licensee no later than the next banking day following the date of auction or sale of goods, whichever occurs first.</p> <p>Proceeds that are paid through credit card, debit card, or other electronic fund transfer must be deposited into an auction escrow account upon receipt from the originating source.</p> <p>Funds from a real estate auction must be held in escrow until settlement in accordance with the agreement for sale.</p> <p>Licensees must use federally insured depositories in Virginia.</p>	<p>*Subsection A is revised to lessen the restrictiveness of the timeframe for placing proceeds of a personal property auction in escrow. As revised, proceeds must be deposited in escrow no later than the next banking day following either the date of auction or date of sale of the goods. This change reduces the restrictiveness of the current requirement.</p> <p>*Subsection C is revised to remove the provision that contingency accounts established to guarantee checks accepted on the owner’s behalf will not be considered commingling of funds. The Board determined this provision is not necessary to be in the regulation.</p> <p>*Subsection D is revised to remove the provision that there must be periodic withdrawals from an escrow account containing funds that ultimately belong to a licensee.</p>

	<p>All accounts, checks, and bank statements must be labeled “escrow” and must be designated as “escrow” accounts with the financial institution where such accounts are established.</p> <p>The auction escrow account must be used solely for the preservation and guarantee of auction proceeds until disbursed at settlement.</p> <p>Funds for any other purposes must not be commingled with the auction escrow account.</p> <p>Contingency accounts established to guarantee checks accepted on the owner’s behalf will not be considered commingling of funds. Monies due to a licensee cannot be withdrawn from the auction escrow account until final settlement is made with the owner.</p> <p>Funds to be deposited into the escrow account may include monies that ultimately belong to the licensee for incidental expenses per the terms of the contract. These monies must be separately identified in the escrow account records and paid to the licensee by a check drawn on the escrow account when the funds become due to the licensee.</p> <p>The fact of an escrow accounting containing monies that may ultimately belong to a licensee does not constitute commingling of funds provided there are periodic withdrawals of said funds at intervals of not more than six months and that the licensee can at all times accurately identify the total funds in the account that belong to the licensee.</p>	<p>*The requirements for written disclosures in a contract when funds are placed in an interest-bearing account are removed. These provisions are not necessary to protect the health, safety, and welfare of the public.</p> <p>Minor stylistic changes, including to replace “shall” with “must” or “will” where appropriate are made.</p>
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21-160	N/A	<p>This section provides for recordkeeping requirements.</p> <p>A licensee is required to maintain for four (4) years from the date of settlement written records of:</p> <ul style="list-style-type: none"> • The contract drawn with each owner; • Auction records, and 	<p>*This section is repealed.</p> <p>Record keeping provisions are relocated to section -140 and revised.</p>

		<ul style="list-style-type: none"> • Final settlement papers. <p>Business records must be available for inspection by the Board or its designees as deemed appropriate and necessary.</p>	
21-170	N/A	<p>This section provides for maintenance of licenses including changes of address.</p> <p>The section provides that licenses are not transferable and must bear the same name and physical address as the business.</p> <p>Upon the dissolution or change in the form of business entity of an auction firm, the auction firm license will become void.</p> <p>A licensee must report all changes of address to the Board in writing within 30 days of the change. The Board will issue an amended license without fee for the unexpired portion of the license term.</p> <p>A post office box is acceptable as an address only when a physical address is also provided.</p> <p>The section requires that if a licensee holds more than one license, certificate, or registration, the licensee must inform the Board of all licenses, certificates, and registrations affected by the address change.</p>	<p>*The section is revised to remove the requirement that a licensee inform the Board of all licenses, certificates, and registrations affected by an address change if the licensee holds more than one license, certificate, or registration. This provision is removed to reduce regulatory requirements.</p> <p>*The section is also revised to remove a provision specifying that the Board will issue an amended license without fee for the unexpired portion of the license period when a change of address is report. It is not necessary for this provision to be in regulation as it is task that is performed administratively by DPOR whenever there is a change of address.</p> <p>Minor stylistic changes, including to replace “shall” with “must” or “will” where appropriate are made.</p>
21-180	N/A	<p>This section provides for the Board’s authority to impose discipline and outlines prohibited acts.</p> <p>The Board has the power to fine any licensee or to suspend or revoke any license issued by the Board pursuant to the provisions of the APA.</p>	<p>*The prohibited acts relating to post licensure convictions and post licensure regulatory discipline are revised to remove provisions that stipulate a certified copy of a final order, decree, or case decision by a court or regulatory agency is <i>prima facie</i> evidence of a conviction or violation. These provisions are not necessary. These types of provisions are being removed from other DPOR regulations.</p>

		<p>This section establishes specific prohibited acts which may be grounds for disciplinary action against a licensee.</p> <p>Prohibited acts include:</p> <ul style="list-style-type: none"> • Obtaining, renewing, or reinstating a license through fraud or misrepresentation; • Not demonstrating reasonable care, judgment, or application of the licensee’s knowledge and ability in the performance of auctioneering duties; and • Failing to comply, or misrepresenting any information pertaining to compliance, with any CE requirements. <p>The section also establishes requirements relating to post licensure criminal convictions. A licensee may be disciplined by the Board when the licensee has been convicted or found guilty of any felony or a nonmarijuana misdemeanor involving moral turpitude.</p> <p>The section also establishes requirements relating to post licensure regulatory discipline. A licensee may be disciplined by the Board when the licensee has been found by any regulatory board, agency, or jurisdiction where licensed to have had a license or registration suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline, or to have violated any applicable laws or regulations in the course of performing auctioneer duties.</p>	<p>Minor stylistic changes, including to replace “shall” with “will” are made.</p>
21-185	N/A	<p>This section provides requirements for licensees to cooperate with the Board during administrative investigations.</p>	<p>Minor stylistic changes, including to replace “shall” with “must” are made.</p>

		<p>The section provides that a licensee must produce to the Board or its agents any plan, document, book, record or copy there in the licensee's possession concerning a transaction covered by the Board's regulation within 10 days of a request or demand to produce.</p> <p>The section provides that a licensee must cooperate in the investigation of a complaint filed with the Board.</p> <p>The section further provides that a licensee who has direct knowledge that individual or firm, to include the licensee, maybe violating the provisions of the regulation or Chapters 1 through 3 and Chapter 6 of Title 54.1 of the Code of Virginia, must immediately inform the Board in writing and cooperate in furnishing any further information or assistance that might be required.</p>	
21-190	N/A	<p>This section provides for application requirements for schools of auctioneering.</p> <p>Schools seeking approval of auction courses must file a request with the Board. The request must include the following information:</p> <ul style="list-style-type: none"> • Name and address of the school; • Locations where classes will be held; • Length of the course and total number of hours of instruction; • Subjects covered together with the number of instruction hours assigned; and • Names and qualifications of instructors, including area of expertise and experience. 	<p>*The section is significantly revised. The revised section incorporates provisions that are currently in sections -200 (Requirements for course approval); -210 (Amendments and changes); and -220 (Periodic requalification for continued course approval).</p> <p>The section is reorganized into subsections.</p> <p>*Subsection A provides for the application and course requirements.</p> <p>*The current application requirement for length of the course and total number of hours of instruction is modified to provide that a course must be a minimum of 80 hours of classroom studies and active participation in the auction business.</p> <p>*The current application requirement for subjects to covered in the course</p>

			<p>is modified to list the subjects that must be in the course of study. The required subject are:</p> <ul style="list-style-type: none"> • Auctioneering; • Elementary principles of real estate, including brokerage; • Contracts; • Advertising; • Sale preparation; • Bid calling; • Settlement statements; • Ethics; and • Current rules and regulations of the Board. <p>*The current application requirement for names and qualifications of instructors is modified to require:</p> <ul style="list-style-type: none"> • Names of Virginia licensed auctioneers; and • Confirmation of participation in various aspects of a minimum of 50 auctions. <p>*The proposed instructor qualifications reduce the stringency of the current requirements in the regulation which mandate that a school have at least five (5) instructors that have been licensed for five (5) years and who specialize in different fields of the auction business.</p> <p>*Subsection B provides that any change in the information provided by the school to the Board must be reported to the Board in writing within 30 days of the change.</p> <p>*Subsection C provides that course approval is subject to periodic requalification review as determined by the Board.</p> <p>Minor stylistic changes, including to replace “shall” with “must” are made.</p>
21-200	N/A	<p>This section establishes the requirements for course approval.</p> <p>A course must offer candidates a minimum of 80 hours of</p>	<p>*This section is repealed.</p> <p>Provisions regarding course length and content, and instructor requirements are relocated to section -190 and revised.</p>

		<p>classroom and field instruction in the conduct of auction business.</p> <p>Instruction must include:</p> <ul style="list-style-type: none"> • Fundamentals of auctioneering; • Elementary principles of real estate; • Brokerage; • Contract drawing; • Advertising; • Sale preparation; • Bid calling; • Settlement statements; • Ethics; and • Rules and regulations of the Board. <p>The section further requires that a course have at least five (5) instructors who have been licensed for at least five (5) years and who specialize in different fields of the auction business.</p>	
21-210	N/A	<p>This section provides for reporting changes in course information to the Board.</p> <p>A school must report to the Board any change in the information provided by the school to the Board.</p> <p>Changes must be reported in writing within 30 days of the change.</p>	<p>*This section is repealed.</p> <p>Provisions in this section are relocated to section -190.</p>
21-220	N/A	<p>This section provides for the requalification of courses.</p> <p>The section provides that the Board may require schools that have previously obtained course approval provide the Board with evidence, in a form set by the Board, of continued compliance with the course approval requirements in the regulation.</p> <p>The section further provides that failure to comply with the Board's requirements or respond to such</p>	<p>*This section is repealed.</p> <p>Provisions in this section are relocated to section -190.</p>

		<p>a request may result in the Board withdrawing its approval.</p>	
<p>21-230</p>	<p>N/A</p>	<p>This section establishes the application and criteria for approval of CE courses.</p> <p>The section requires that course providers seeking approval of a CE course file an application with the Board.</p> <p>Course providers must obtain approval from the Board prior to offering to provide or providing a course that is advertised or represented as being eligible to comply with the CE provisions established by the Board.</p> <p>The section provides that retroactive approval of CE courses is not permitted.</p> <p>CE courses meet the following criteria:</p> <ul style="list-style-type: none"> • Course subject must be related to the current practice of auctioneering and have defined learning objectives; • Each course attendee must be assessed at the end of the course to verify that the attendee achieved the defined learning objectives; • Course curriculum must be consistent with the defined learning objectives; • The method of instruction must be consistent with the defined learning objectives of the course; and • Course instructors must be competent in the subject being taught, either by education or experience, and in instructional techniques. <p>A course provider must certify that:</p> <ul style="list-style-type: none"> • The laws, regulations, and industry practices that will be taught or utilized in the 	<p>Minor stylistic changes to replace “shall” with “must” or “will” where appropriate are made.</p>

		<p>course are up to date and that any subsequent changes of the same will be incorporated into the course curriculum as they occur; and</p> <ul style="list-style-type: none"> • The course provider will comply with the provisions of the regulation in administering and providing the approved course. <p>The section establishes the standard for awarding of CE credit.</p> <ul style="list-style-type: none"> • Fifty (50) contact minutes equals one (1) CE credit hour. <ul style="list-style-type: none"> ○ For courses in which individual segments are less than 50 minutes, the sum of the segments will be totaled for computation of CE credit hours. • No credit is awarded for partial CE credit hours or partial course completion. • Course attendees that fail to demonstrate successful completion of the defined learning objectives of the course will not be awarded credit for the course. <p>The section further provides that CE courses completed by an auctioneer pursuant to a requirement of the Certified Auctioneer's Institute or participation in educational programs sponsored by the National Auctioneer's Association or Virginia Auctioneer's Association are considered approved courses pursuant to § 54.1-603.1(A) of the Code of Virginia.</p>	
21-240	N/A	This section establishes requirements for CE course providers regarding the administration of courses.	*Provisions requiring a course provider to obtain course feedback from attendees and keep records of such feedback are removed.

	<p>Approved course providers must comply with the requirements of the regulation when providing approved courses. Failure of a course provider may result in the Board withdrawing approval for a course or a specific offering of a course.</p> <p>A course approval is not transferable from the course provider to whom it was originally issued.</p> <p>Approved course providers must aware a completion certificate to attendees who successfully complete the course.</p> <p>The completion certificate must include:</p> <ul style="list-style-type: none"> • Name of the course; • Number of continuing education credit hours awarded; • Date of the course; and • The sponsor identification number of the course provider issued by the Board. <p>Course providers must award CE credit hours in the amount as approved by the Board.</p> <p>Providers must verify and document attendance at the beginning and end of the course and monitor attendance during the course.</p> <p>Credit will not be awarded to attendees that arrived late, left early, missed a portion of the course, or failed to accomplish the learning objectives of the course. Such individuals will not be awarded a completion certificate by the provider.</p> <p>A course provider at the end of each course must solicit feedback from course attendees to assess the effectiveness of:</p>	<p>These requirements are removed as they were deemed overly prescriptive; many providers already gather feedback independently. This streamlines the regulation and reduces administrative burden.</p> <p>Minor stylistic changes, including to replace “shall” with “must” are made.</p>
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		<ul style="list-style-type: none"> • The course; • Course content; • Course curriculum; • Instructor; and • Method of instruction. <p>The course provider must monitor feedback received from attendees and make adjustments as warranted.</p> <p>A course provider must maintain all records related to an approved course for four (4) years from the date of the course. Records must be provided to the Board or its agents upon request.</p> <p>Records to be maintained include:</p> <ul style="list-style-type: none"> • Date, time, and location of the course; • Course materials; • Course curriculum; • Instructor and instructor qualifications; • Learning objectives; • Assessment of attendees for verification of achievement of the learning objectives; • End of course feedback from attendees; • Attendance rosters; • Records of attendees who successfully completed; and • Records of attendees who did not successfully complete the course and the reasons why such attendees did not successfully complete the course. 	
21-250	N/A	<p>This section provides for the CE requirements for licensees to renew or reinstate licenses.</p> <p>Licensees who are not exempt from the CE requirement must complete at least six (6) CE hours of Board-approved CE courses in order to renew or reinstate a license.</p>	<p>Minor stylistic changes, including to replace “shall” with “must” or “will” where appropriate are made.</p>

		<p>A Virginia licensee who is also licensed in another state with which the Board shares a reciprocal agreement may use approved education in that state to meet the Virginia CE requirement provided the other state affords the same privilege to Virginia licensees.</p> <p>Each licensee applying for license renewal must certify that the licensee has met the CE requirements. Only CE courses completed during the license period immediately prior to the expiration date of the license will be acceptable in order to renew the license.</p> <p>CE credit hours used to satisfy the CE requirements to renew a license are valid for that renewal and will not be accepted for any subsequent renewal cycles or reinstatement.</p> <p>Licensees must maintain records of completing CE credit hours for two (2) years from the date of expiration of the license for which the CE credit hours are being used to renew the license. Such records must be provided to the Board or its agents upon request.</p> <p>Each individual applying for reinstatement must provide evidence of compliance with the CE requirement as part of the reinstatement application. The completion date of CE courses submitted in support of a reinstatement application must not be more than two (2) years old as of the date a complete reinstatement application is received by the Board.</p> <p>CE credit hours used to satisfy the CE requirements to reinstate a license are valid for that reinstate and will not be accepted</p>	
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		<p>for any subsequent renewal cycles or reinstatement.</p> <p>CE hours earned during a licensing renewal cycle to satisfy CE requirements for the preceding renewal cycle are valid only for the preceding renewal cycle and will be accepted for any subsequent renewal cycles or reinstatement.</p> <p>Licensees who have been licensed by the Board for 25 or more years or are 70 years of age or older at the time of license expiration are exempt from the CE requirement.</p>	
21-260	N/A	<p>This section provides for exemptions from the CE requirement.</p> <p>In accordance with § 54.1-603.1(A) of the Code of Virginia, the Board must exempt any auctioneer licensed by the Board for 25 or more years, or who 70 years of age or older, from the CE requirement.</p> <p>In accordance with § 54.1-603.1(B) of the Code of Virginia, the Board may grant exemptions, waive, or reduce the number of CE hours required in cases of certified illness or undue hardship. Such exemptions, waivers, or reductions do not relieve the individual of otherwise meeting the requirements of the regulation, including license renewal or reinstatement requirements.</p>	Minor stylistic changes, including to replace “shall” with “will” are made.
21-270	N/A	<p>This section provides for reporting changes in CE course information to the Board.</p> <p>A provider must report to the Board any change in the information provided by the provider to the Board for initial approval or requalification of approval.</p>	A minor stylistic change to replace “shall” with “must” is made.

		<p>Changes must be reported in writing within 10 days of the change.</p> <p>In instances of noncompliance with the regulation, approval of the course is automatically suspended until the course provider corrects the deficiency and notifies the Board in writing that the deficiency has been corrected.</p>	
21-9998	N/A	This section contains forms used to administer the regulation.	The forms section is revised to update forms for auctioneering school course approval and continuing education course approval to reflect changes to the regulation.