

# NewsLine

The Official Publication of the Tennessee Auctioneer Commission

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## Commissioners

	Term Expiration
<b>John Thorpe, Chairman</b> Middle Tennessee	12/31/20
<b>Ronnie Colyer, Vice Chairman</b> At-Large	08/31/19
<b>Adam Lewis</b> Consumer Member	12/31/19
<b>Jeff Morris</b> West Tennessee	08/31/20
<b>Randy Lowe</b> East Tennessee	08/31/21

## Mission Statement

The Mission of the Tennessee Auctioneer Commission is to protect the public through the establishment and administration of minimum requirements for candidates and licensees, effective professional education of licensees and enforcement of professional conduct.

State of Tennessee  
Department of Commerce & Insurance  
500 James Robertson Parkway  
Nashville, Tennessee 37243-1152  
Phone: 615-741-3600  
Fax: 615-253-1179  
[www.tn.gov/commerce/regboards/auctioneers](http://www.tn.gov/commerce/regboards/auctioneers)

## Important License Renewal Information

In May 2018, the Auctioneer Commission approved a CE audit program for all licensees. This audit program ties in with The Comprehensive Online Regulatory and Enforcement (CORE) platform that was implemented in 2015 to simplify the license renewal process for all licensees.

License renewals must now be completed through the CORE platform. This platform provides a simple and easy-to-use method for attaching continuing education certificates for licensees.

Under the new audit program, 5% of all licensees are audited per quarter to determine if they have satisfied the six (6) hour continuing education requirement.

When a licensee is selected for audit, the uploaded CE certificates will be reviewed in your CORE account. If the documentation is incomplete, the licensee will be given 30 days to provide the Commission with satisfactory proof of CE.

Continuing education providers will continue to report CE hours electronically to the Commission; however, this report will not be sufficient to meet the documentation necessary to satisfy a CE audit.

Additionally, with the automated renewal system, all license renewals must be completed and paid in full prior to the expiration date. Licenses that are not paid with proof of CE will go into an **Expired-Grace** status immediately upon expiration. Until the license is restored to **Active** status, the licensee cannot engage in any licensed activities.

Information on the CORE account can be accessed by visiting [www.core.tn.gov](http://www.core.tn.gov). The CORE site has valuable tutorials to assist licensees in creating their user account. Once created, licensees can verify their expiration date, upload CE certificates and manage license renewals for all their licenses.

*The Tennessee Department of Commerce & Insurance is committed to the principles of equal opportunity, equal access and affirmative action. Contact the EEO Coordinator or ADA Coordinator 615-741-2177 (TDD).*

# Legislative & Commission Update 2018

There are laws in addition to the Tennessee Auctioneer Licensing Laws (T.C.A. title 62, chapter 19) that govern the actions and conduct of auctioneers. During the 2018 Legislative Session, the Tennessee General Assembly passed the following bills that are applicable to auctioneers.

**Bill Number:** SB2465/HB2248

**Public Chapter:** PC0793—<http://publications.tnsosfiles.com/110/pub/pc0793.pdf>

**Synopsis:** The Fresh Start Act requires that certain departments, boards, commissions, or agencies (collectively “agencies”) not deny an application for a license, certificate, or registration (collectively “licenses”) or refuse to renew a license due to prior criminal conviction unless the conviction directly relates to the applicable profession. This Act sets out notification requirements for the agencies that intend to use a conviction as the basis for a denial of licensure, factors that must be considered in determining whether to deny or refuse to renew the license on the basis of a criminal conviction, sets out that certain crimes create a rebuttable presumption of being related to a profession, provides information that must be contained in the notice of determination by the agency, and provides that a decision under the Act may be appealed to Davidson County Chancery Court within thirty (30) business days of receipt of the notice of a denial or refusal to renew. A potential applicant may also request a pre-application determination from the agency as to if a conviction will prevent the person from being licensed.

**Effective Date:** July 1, 2018

**Bill Number:** SB2461/HB1799

**Public Chapter:** PC0745—<http://publications.tnsosfiles.com/acts/110/pub/pc0745.pdf>

**Synopsis:** This companion bill to the Fresh Start Act sets out certain disciplinary actions by the Tennessee Auctioneer Commission are subject to the factors and appeals process as set forth in the Fresh Start Act (above) and may also only be taken if the commission determines that the criminal conviction directly relates to the applicable profession.

**Effective Date:** July 1, 2018

**Bill Number:** SB1555/HB1633

**Public Chapter:** PC0534—<http://publications.tnsosfiles.com/acts/110/pub/pc0534.pdf>

**Synopsis:** This Act extends the Tennessee Auctioneer Commission for six (6) years to June 30, 2024.

**Effective Date:** March 7, 2018

**Bill Number:** SB2081/HB2036

**Public Chapter:** PC0941—<http://publications.tn.osfiles.com/acts/110/pub/pc0941.pdf>

**Synopsis:** This Act creates a Tennessee Task Force on Auction Law Modernization. This task force will conduct a comprehensive review of the auction laws and rules in Tennessee and recommend changes and updates to the Tennessee Legislature. This task force will be comprised of thirteen (13) members that will meet at least four (4) times prior to December 31, 2018.

**Effective Date:** May 15, 2018

For more information on any of these legislative changes, please view the Public Chapter documents online as listed above.

*To receive email or text alerts from the Tennessee Auctioneer Commission  
go to the direct link at [www.tn.gov/notify-app/sign\\_up](http://www.tn.gov/notify-app/sign_up)*

# Continuing Education Seminars 2018/2019

**Billy Trout** with the Tennessee Department of Revenue presented a great 2-hour program in Chattanooga on October 15, 2018, updating auctioneers and auction business owners on Tennessee Sales and Use Tax and how the recent Supreme Court ruling in the Wayfair vs. South Dakota case may impact TN auctioneers.

**Kevin McGlothlen**, a two-time World Auto Auctioneer Champion, presented a 4-hour program on Professional Auctioneering.

Both speakers will be presenting again on February 25, 2019, at Columbia State Community College and on May 20, 2019, at Natchez Trace State Park.

Don't miss these great CE Seminars. Watch your mailbox for reminder postcards.



## Responsibilities of the Auctioneer and the Auction Gallery

Auctioneers are sometimes asked to call bids on behalf of an auction gallery or auction house. Tennessee law allows individuals without an auctioneer license to own and operate such businesses as long as they have an auction gallery license. The auction gallery license only authorizes auction activities at the fixed location on file with the State, and only licensed auctioneers may call bids. (See T.C.A. § 62-19-125).

A licensed auctioneer cannot call bids for any auction gallery, house, barn, etc. that is not properly licensed. Doing so subjects the auctioneer to disciplinary action. Rule 0160-01.01(2) states: **"No licensed auctioneer shall accept offers for hire to call bids at any auction held by an auction house, auction barn, or auction gallery that is not either: (a) owned and operated by a licensed auctioneer holding a valid firm license; or (b) licensed as a gallery pursuant to the provisions of T.C.A. § 62-19-125."**

An auctioneer is responsible for checking the license status of any gallery before agreeing to call bids. Likewise, a gallery owner is responsible for checking the licensing status of any auctioneer they are hiring to call bids. License status can be verified at <http://verify.tn.gov>.

### Disciplinary Action Report

#### September 2018

**Action Auction**, Bethpage, TN  
\$1000 Civil Penalty  
Allowing unlicensed individual to call bids

**Parks Auction Co., LLC**, Murfreesboro, TN  
\$1000 Civil Penalty  
Practicing on an expired license

#### October 2018

**Homestead Auction**, Hixson, TN  
\$500 Civil Penalty  
Failure to remit funds within a reasonable time

### Commission Calendar

#### 2019 Commission Meetings

All meetings are held at 500 James Robertson Parkway, Nashville, TN 37243

February 25, 2019

May 20, 2019

August 19, 2019

November 18, 2019

#### Upcoming Continuing Education Seminars:

**Middle Tennessee**  
Monday, February 25, 2019  
Columbia State Comm. College  
Columbia, TN

**West Tennessee**  
Monday, May 20, 2019  
Natchez Trace State Park  
Wildersville, TN

"Professional Auctioneering" (4 Hours) by Kevin McGlothlen and "TN Sales Tax Update and Review" (2 Hours) by Billy Trout, TN Department of Revenue.



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