

# AUCTIONEER'S LICENSING BOARD

## Enabling Laws

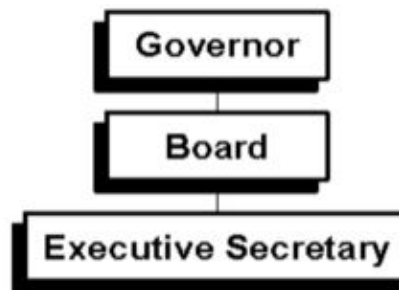
Act 82 of 2007  
Act 266 of 1989 as amended  
A.C.A. § 17-17-201

## History and Organization

The Auctioneer's Licensing Board, consisting of seven members - four auctioneers and three consumer representatives, was created in 1989.

The mission of the organization is to protect public welfare by establishing and maintaining a high standard of integrity in the Profession of Auctioneers and Auction Houses.

The responsibility of the organization is to certify, license, register individuals and companies who meet the requirements to engage in the profession of Auctioneers and, additionally, to protect the public from illegal, incompetent, unethical and unprofessional practitioners.



## Agency Commentary

The Auctioneer's Licensing Board was created by Act 266 of 1989. The Board is self-funded from funds collected through application fees for licensure, renewal of licenses and permits, issuance of permits, late penalties, examinations, and disciplinary fines.

The primary activities of the Board are as follows: 1) Administer a professional auctioneer examination four times a year; 2) License those who pass the examination and otherwise qualify; 3) Annually issue renewal licenses to all qualified auctioneers and auction house owners; 4) Maintain and publish a register of all qualified auctioneers and auction house owners that are permitted to operate in the State; 5) Conduct investigations into allegations of violations of Statutes and Rules and Regulations; 6) Conduct hearings and take disciplinary actions when appropriate; 7) Monitor continuing professional education on auctioneers for license renewals; 8) Conduct yearly audits of auction houses to ensure compliance with record keeping and reporting requirements. All of this is done with one secretary/treasurer position and an extra help position.

The Board is requesting Base Level for the 2009 - 2011 Biennium.

## Audit Findings

DIVISION OF LEGISLATIVE AUDIT  
AUDIT OF :  
ARKANSAS AUCTIONEER'S LICENSING BOARD

FOR THE YEAR ENDED JUNE 30, 2007

Findings	Recommendations
None	None

## Employment Summary

	Male	Female	Total	%
White Employees	0	1	1	100 %
Black Employees	0	0	0	0 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			0	0 %
Total Employees			1	100 %

## Cash Fund Balance Description as of June 30, 2008

Fund Account	Balance	Type	Location
3440000	\$58,429	Checking and TMMP	US Bank, Bank of America, Treasury

### Statutory/Other Restrictions on use:

A.C.A. § 17-17-204 - Authorizes all fees, charges, and penalties collected to be deposited in a bank or banks to be designated by the board.

### Statutory Provisions for Fees, Fines, Penalties:

A.C.A. § 17-17-114, A.C.A. § 17-17-301 and A.C.A. § 17-17-302 - authorizes agency to collect and use fees, fines and penalties.

### Revenue Receipts Cycle:

Fees, fines and penalties are collected during the year.

### Fund Balance Utilization:

Funds are collected during the year and used for expenses.

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Fund Account	Balance	Type	Location
3440100	\$215,831	TMMP and CD	Treasury and Twin City Bank

Statutory/Other Restrictions on use:

A.C.A. § 17-17-204 - Authorizes all fees, charges, and penalties collected to be deposited in a bank or banks to be designated by the board.

Statutory Provisions for Fees, Fines, Penalties:

A.C.A. § 17-17-204 - authorizes agency to collect the fees at initial licensure and at each annual renewal period.

Revenue Receipts Cycle:

Funds are collected from new licensees during the year.

Fund Balance Utilization:

Funds are collected from new licensees during the year. and used to pay any claim resulting from a disciplinary hearing. The agency may use any funds above \$180,000 to advance education, underwrite seminars and for the improvement of the profession.

**Publications**

**A.C.A. 25-1-204**

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution
		Governor	General Assembly		
Licensee List	A.C.A. 17-17-206	N	N	75	Required by A.C.A. 17-17-206

## Agency Position Usage Report

FY2006 - 2007						FY2007 - 2008						FY2008 - 2009					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total	
1	1	0	1	0	0.00 %	1	1	0	1	0	0.00 %	1	1	0	1	0	0.00 %

## **Analysis of Budget Request**

**Appropriation:** C51 - Auctioneer's - Cash Operations

**Funding Sources:** 344 - Auctioneer's Licensing Board - Cash

The Arkansas Auctioneer's Licensing Board was established by Act 266 of 1989 as codified in Arkansas Code Annotated § 17-17-201 for promulgating rules and regulations, licensing, and publishing annually a register of all auctioneers that are licensed to do business in Arkansas. The Agency monitors auctions held within the State and gives examinations to certify new auctioneers four times a year. The Board consists of seven (7) Commissioners that are appointed by the Governor. Their revenues are generated from receipt of fees charged by the Board for examinations, licensing, renewals, and penalties.

Base Level position was changed from unclassified to classified to reflect the recommendations of the Pay Plan Study and salaries were adjusted accordingly. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Board is requesting Base Level for the 2009-2011 Biennium.

The Executive Recommendation provides for Agency Request. Expenditure of appropriation is contingent upon available funding.

## Appropriation Summary

**Appropriation:** C51 - Auctioneer's - Cash Operations  
**Funding Sources:** 344 - Auctioneer's Licensing Board - Cash

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	40,657	42,704	41,904	44,011	44,011	44,011	44,900	44,900	44,900
<b>#Positions</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Extra Help 5010001	125	15,780	15,780	15,780	15,780	15,780	15,780	15,780	15,780
<b>#Extra Help</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Personal Services Matching 5010003	12,232	12,875	13,329	14,053	14,053	14,053	14,219	14,219	14,219
Operating Expenses 5020002	29,553	49,808	49,808	49,808	49,808	49,808	49,808	49,808	49,808
Conference & Travel Expenses 5050009	1,925	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500
Professional Fees 5060010	4,300	13,688	13,688	13,688	13,688	13,688	13,688	13,688	13,688
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Refunds/Reimbursements 5110014	0	500	500	500	500	500	500	500	500
Claims 5110015	0	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>88,792</b>	<b>189,855</b>	<b>189,509</b>	<b>192,340</b>	<b>192,340</b>	<b>192,340</b>	<b>193,395</b>	<b>193,395</b>	<b>193,395</b>
<b>Funding Sources</b>									
Fund Balance 4000005	250,211	274,260		181,308	181,308	181,308	92,468	92,468	92,468
Cash Fund 4000045	112,841	96,903		103,500	103,500	103,500	109,500	109,500	109,500
<b>Total Funding</b>	<b>363,052</b>	<b>371,163</b>		<b>284,808</b>	<b>284,808</b>	<b>284,808</b>	<b>201,968</b>	<b>201,968</b>	<b>201,968</b>
Excess Appropriation/(Funding)	(274,260)	(181,308)		(92,468)	(92,468)	(92,468)	(8,573)	(8,573)	(8,573)
<b>Grand Total</b>	<b>88,792</b>	<b>189,855</b>		<b>192,340</b>	<b>192,340</b>	<b>192,340</b>	<b>193,395</b>	<b>193,395</b>	<b>193,395</b>