

Chapter 308-11 WAC

REGULATION OF AUCTIONEERS

WAC	
308-11-030	Auctioneer fees.
308-11-035	Renewal of registration.
308-11-050	Surety bond or other security in lieu of bond required.
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308-11-130	Suit or complaint notification.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-11-001	Fees. [Statutory Authority: RCW 42.24.085 [43.24.-085], 1982 c 205, §§ 3, 9, 10 and 18. WSR 82-23-023 (Order PL 413), § 308-11-001, filed 11/9/82.] Repealed by WSR 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-11-030.
308-11-010	Definitions. [Statutory Authority: RCW 18.11.120 and 18.11.200. WSR 85-03-045 (Order PL 506), § 308-11-010, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. WSR 82-23-023 (Order PL 413), § 308-11-010, filed 11/9/82.] Repealed by WSR 98-16-061, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055.
308-11-040	Application for license as auctioneer. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. WSR 82-23-023 (Order PL 413), § 308-11-040, filed 11/9/82.] Repealed by WSR 86-21-127 (Order PM 622), filed 10/22/86. Statutory Authority: RCW 18.11.-200.
308-11-080	Trainee auctioneer. [Statutory Authority: RCW 42.24.-085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. WSR 82-23-023 (Order PL 413), § 308-11-080, filed 11/9/82.] Repealed by WSR 86-21-127 (Order PM 622), filed 10/22/86. Statutory Authority: RCW 18.11.200.
308-11-140	Application of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-046, § 308-11-140, filed 5/1/97, effective 6/1/97.] Repealed by WSR 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.11.200. Later promulgation, see chapter 308-08 WAC.
308-11-150	Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.-482 (1)(c). WSR 97-10-046, § 308-11-150, filed 5/1/97, effective 6/1/97.] Repealed by WSR 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.11.200. Later promulgation, see chapter 308-08 WAC.
308-11-160	Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-046, § 308-11-160, filed 5/1/97, effective 6/1/97.] Repealed by WSR 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.11.200. Later promulgation, see chapter 308-08 WAC.

WAC 308-11-030 Auctioneer fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Auctioneer:	
Initial application	\$155.00
Renewal	155.00
Late renewal penalty	100.00

Title of Fee	Fee
Duplicate license	15.00
Certification	25.00
Auction company:	
Initial application	255.00
Renewal	255.00
Late renewal penalty	100.00
Duplicate license	15.00

[Statutory Authority: RCW 18.11.200 and 43.24.086. WSR 07-16-036, § 308-11-030, filed 7/23/07, effective 9/1/07. Statutory Authority: RCW 18.11.060, 43.24.086, 43.24.023. WSR 04-17-074, § 308-11-030, filed 8/13/04, effective 10/1/04. Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. WSR 98-16-061, § 308-11-030, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 43.24.086. WSR 90-06-052, § 308-11-030, filed 3/2/90, effective 4/2/90; WSR 87-10-028 (Order PM 650), § 308-11-030, filed 5/1/87. Statutory Authority: RCW 18.11.060. WSR 86-21-127 (Order PM 622), § 308-11-030, filed 10/22/86. Statutory Authority: 1983 c 168 § 12. WSR 83-17-031 (Order PL 442), § 308-11-030, filed 8/10/83. Formerly WAC 308-11-001.]

WAC 308-11-035 Renewal of registration. (1) An auctioneer license will be issued to an applicant, provided all requirements are met for licensure. An auctioneer license will expire one year from the date of issuance.

(2) An auction company license will be issued, provided all requirements are met for licensure. The auction company license will expire one year from the date of issuance.

(3) An application for a license renewal received after the date of expiration will require the payment of the penalty fee in addition to the renewal fee.

[Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. WSR 98-16-061, § 308-11-035, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.060 and 18.11.200. WSR 88-01-122 (Order PM 701), § 308-11-035, filed 12/23/87. Statutory Authority: RCW 18.11.200. WSR 86-21-127 (Order PM 622), § 308-11-035, filed 10/22/86.]

WAC 308-11-050 Surety bond or other security in lieu of bond required. (1) As required by chapter 18.11 RCW, the amount of the surety bond or other security in lieu of the bond to be filed and maintained for an auctioneer license shall be five thousand dollars.

(2) The amount of the surety bond or other security in lieu of the bond to be filed and maintained for an auction company license shall be based upon the value of the gross sales during the previous calendar year according to the following scale:

GROSS SALES		BOND/SECURITY AMOUNT	
\$ 0.00	to	\$ 24,999.99	\$ 5,000.00
\$ 25,000.00	to	\$ 49,999.99	\$ 10,000.00
\$ 50,000.00	to	\$ 99,999.99	\$ 15,000.00

GROSS SALES		BOND/SECURITY AMOUNT
\$ 100,000.00	to \$ 499,999.99	\$ 20,000.00
\$ 500,000.00	& Above	\$ 25,000.00

(3) All auction companies upon application or with license renewal, shall submit a financial certification affidavit on forms provided by the department.

(4) Each licensee must maintain such a surety bond, or other security in lieu of a bond, in an active status at all times during the period of licensure.

[Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. WSR 98-16-061, § 308-11-050, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.121 and 18.11.200. WSR 88-23-034 (Order PM 766), § 308-11-050, filed 11/9/88. Statutory Authority: RCW 18.11.200. WSR 86-21-127 (Order PM 622), § 308-11-050, filed 10/22/86. Statutory Authority: RCW 18.11.120 and 18.11.200. WSR 85-03-045 (Order PL 506), § 308-11-050, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. WSR 82-23-023 (Order PL 413), § 308-11-050, filed 11/9/82.]

WAC 308-11-060 Advance notice of cancellation or termination required. No cancellation of any surety bond or other security used in lieu of a surety bond, shall be effective unless the department of licensing and the licensee shall have first been given thirty days advance written notice of the cancellation or termination with the reason for the cancellation or termination: Provided, That no such notice shall be required when the termination of the bond or other security used in lieu of the bond is due to the expiration or revocation of the subject license.

[Statutory Authority: RCW 18.11.200. WSR 86-21-127 (Order PM 622), § 308-11-060, filed 10/22/86. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. WSR 82-23-023 (Order PL 413), § 308-11-060, filed 11/9/82.]

WAC 308-11-100 Records. The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 18.11 RCW, or in these rules:

- (1) They shall be maintained in accordance with generally accepted accounting practices.
- (2) No person shall make any false or misleading statement, or make any false or misleading entry, or wilfully fail to make any entry required to be maintained or made, in any such record or document.
- (3) No person shall wilfully fail to produce any such record or document for inspection by the department.
- (4) The minimum required records are as follows:
 - (a) Bank trust account records;
 - (b) Duplicate receipt book or receipt journal;
 - (c) Prenumbered checks;
 - (d) Check register or cash disbursement journal;
 - (e) Validated bank deposit slips;
 - (f) Reconciled bank monthly statement (client liability vs bank statement);
 - (g) All cancelled checks;
 - (h) All voided checks;
 - (i) Client's ledger card which indicates client's name, dates of transactions, amount received, amount disbursed, current balance, check number, receipt number, and item(s) covered;

(j) A transaction folder or file containing a copy of all agreements and related correspondence for each transaction;

(k) The above minimum records shall be maintained for a minimum period of three years.

[Statutory Authority: RCW 18.11.200. WSR 92-13-045, § 308-11-100, filed 6/11/92, effective 7/12/92; WSR 87-21-011 (Order PM 686), § 308-11-100, filed 10/9/87. Statutory Authority: RCW 18.11.120 and 18.11.200. WSR 85-03-045 (Order PL 506), § 308-11-100, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. WSR 82-23-023 (Order PL 413), § 308-11-100, filed 11/9/82.]

WAC 308-11-120 Inspection and audit. The following shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department:

(1) All records required to be maintained by an auctioneer by chapter 18.11 RCW, or WAC 308-11-100;

(2) Other business or other types of records of the auctioneer or auction company which may be related to activity as an auctioneer or auction company or necessary to understand such records;

(3) Any auction mart or other premise used to conduct an auction;

(4) Any personal property which may be the subject of, or related to, an auction.

(5) Records not physically present upon the premises at the time the demand is made shall be procured and produced to the department within twenty-four hours, or within a time approved by the department;

(6) Records physically present upon the premises at the time demand is made shall be inspected or audited at any reasonable time which shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

[Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. WSR 98-16-061, § 308-11-120, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.120 and 18.11.200. WSR 85-03-045 (Order PL 506), § 308-11-120, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. WSR 82-23-023 (Order PL 413), § 308-11-120, filed 11/9/82.]

WAC 308-11-130 Suit or complaint notification.

Every licensee shall, within thirty days after service or knowledge of, notify the department of any suit or complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the subject matter involves any auction or business activity of the defendant; and in which the subject matter thereof, involves any auction or business activity of the defendants therein named. The department address is Business and Professions Division, Auctioneer Section, PO Box 9649, Olympia, Washington 98507-9649. Complaints against others may also be sent to the above address.

[Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. WSR 98-16-061, § 308-11-130, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.200. WSR 92-13-045, § 308-11-130, filed 6/11/92, effective 7/12/92.]