



## Ohio Revised Code Section 4707.15 Disciplinary actions.

Effective: September 13, 2022

Legislation: House Bill 321

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(A) The department of agriculture may deny, refuse to renew, suspend, or revoke the license of any auction firm or auctioneer for any of the following causes:

- (1) Obtaining a license through false or fraudulent representation;
- (2) Making any substantial misrepresentation in an application for a license;
- (3) A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;
- (4) Specifying that an auction is a reserve auction, absolute auction, multi-parcel auction, or estate auction, but not conducting the auction as specified;
- (5) Failing to account for or remit, within a reasonable time, any money or property belonging to others that comes into the licensee's possession, and for commingling funds of others with the licensee's own, or failing to keep funds of others in an escrow or trust account, except that in the case of a transaction involving real estate, such funds shall be maintained in accordance with division (A)(26) of section 4735.18 of the Revised Code;
- (6) Paying valuable consideration to any person who has violated this chapter;
- (7) Except as provided in division (B) of this section, conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud, forgery, embezzlement, false pretenses, extortion, conspiracy to defraud, or another similar offense or a felony;
- (8) Violation of this chapter or rules adopted under it;
- (9) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared



by the auctioneer or auction firm;

(10) Any conduct of a person that is licensed under this chapter that demonstrates bad faith, dishonesty, incompetency, or untruthfulness;

(11) Any other conduct of a person that is licensed under this chapter that constitutes improper, fraudulent, or dishonest dealings;

(12) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee received the property for auction;

(13) The use of any power of attorney to circumvent this chapter;

(14) Failure to display either of the following:

(a) The sign required under section 4707.22 of the Revised Code; or

(b) A notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the auction and, if applicable, an explanation of the multi-parcel auction process.

(15) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;

(16) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter;

(17) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state;

(18) The refusal or disapproval by the licensing authority of another state of an application for a license to engage in auctioneering;



(19) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority;

(20) Engaging in auctioneering or providing auction services without a license or during the suspension of a license;

(21) Attempting to cheat or cheating on an auctioneer examination or aiding another to cheat on an examination.

(B) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.