



## Ohio Administrative Code

### Rule 901:8-2-10 Auction firm license; claim against auction firm.

Effective: July 4, 2015

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(A) Applications are available by mail upon request and on the department's website:

[www.ohioagriculture.gov](http://www.ohioagriculture.gov). All application forms must be complete, all applicable administrative fees and license fees must be received by the department pursuant to section 4707.10 of the Revised Code, and any supporting documentation must be submitted with the application. Incomplete applications will be returned.

(B) If the firm manager is not licensed pursuant to section 4707.07 of the Revised Code, the firm manager shall take and pass a written examination before the firm license will be issued.

(1) An application, application fee pursuant to section 4707.10 of the Revised Code and an examination fee of fifteen dollars must be received two weeks prior to the examination date.

(2) A score of at least seventy per cent and over is required to pass.

(3) If a passing score is not achieved, the firm manager may re-take the examination on the next scheduled examination date and upon payment of a fifteen dollar examination fee.

(4) If the firm manager does not pass the examination on the second attempt, the firm manager may not take the examination again for at least thirty days.

(5) If the firm manager does not pass the examination on the third attempt, the firm manager may not take the examination for at least one year.

(C) A person who asserts they have been aggrieved by the actions of an auction firm shall:

(1) Initiate a claim against the letter of credit, cash bond, or surety bond of the auction firm by filing a complaint in accordance with section 4707.16 of the Revised Code with the department with an application for recovery. The application for recovery shall specify the nature of the act or



transaction on which the applicant claims recovery, include documentation and/or evidence of the actual and direct losses associated with the licensee, and explain what activities have been pursued to recover the losses. The application for recovery is available on the department's website: [www.ohioagriculture.gov](http://www.ohioagriculture.gov).

- (2) Upon receipt of the application for recovery the department shall conduct an investigation to determine if the licensee engaged in conduct described in section 4707.15 of the Revised Code or has otherwise violated Chapter 4707. of the Revised Code or the rules adopted thereunder.
- (3) If the department determines that the licensee has violated Chapter 4707. of the Revised Code or the rules adopted thereunder and the aggrieved party has incurred actual and direct losses the department shall contact the bonding company or banking institution to have the aggrieved party compensated for the losses claimed.
- (4) If there are multiple claimants to the licensee's bond or letter of credit and the actual and direct losses exceed the amount of financial coverage available the department shall distribute to each aggrieved party a pro rata share.