



## **REQUEST FOR PUBLIC COMMENT**

### **Auctioneer Rules – Online Auctions and Ownership Reporting Requirements**

The rules in this package have been reviewed pursuant to Chapter 119 of the Revised Code and are being proposed as follows. The comment period will remain open through December 21, 2016. Comments may be emailed to [ecomments@agri.ohio.gov](mailto:ecomments@agri.ohio.gov) or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068.

In 2016, H.B. 131, 131<sup>st</sup> G.A. clarified Chapter 4707 by stating that the chapter does not apply to “sales of real or personal property conducted by means of the internet provided that they are not conducted in conjunction with a live auction.” This amendment clarified that licensure requirements apply when auctions are conducted by means of the internet in conjunction with a live auction.

Ohio Administrative Code (OAC) section 901:8-2-11 is proposed in response to that legislative amendment. The rule outlines the procedure for holding online auctions in conjunction with live auctions. The rule requires entering into a contract and clarifies records that must be maintained for online auctions conducted in conjunction with live auctions.

In addition, OAC 901:8-2-05 is being amended to require the resubmission of an auctioneer license for Limited Liability Corporations (LLCs) who undergo controlling ownership interest changes. Pursuant to Ohio Revised Code (ORC) 4707.02(A), the Department shall not issue or renew an auction license if the person has been convicted of a felony or crime involving theft. By requiring the resubmission of a license application for entities that undergo changes in controlling interests, the Department can assure that the entity is not under the advice and control of a person unfit to be licensed by the Department.

