21 NCAC 04B .0404 GROUNDS FOR LICENSE DENIAL OR DISCIPLINE

(a) The Board may assess a civil penalty in accordance with G.S. 85B-3.1(b) or deny, suspend, or revoke a license, or issue a letter of reprimand to a licensee, upon any of the following grounds:

- (1) violation of any provision of G.S. 85B;
- (2) violation of any rule in this Subchapter;
- (3) a check given to the Board in payment of fees is returned unpaid;
- (4) allowing an unlicensed person to call a bid at a sale, except as authorized in 21 NCAC 04B .0506;
- (5) auctioneering at an unlicensed auction firm sale;
- (6) failure to complete an application or making any false statement or giving any false information in connection with an application for a license, renewal, or reinstatement of a license including:
 - (A) failure to cooperate with any investigation; or
 - (B) making any false statement or giving any false information in connection with any investigation by the Board or the Board's staff;
- (7) being adjudicated mentally incompetent by a court;
- (8) being convicted of a crime that meets the requirements of G.S. 93B-8.1(b);
- (9) violation of any federal or state statute, rule, or regulation that relates to the auctioneering profession;
- (10) practicing the profession for which the individual is licensed while his or her ability to practice was impaired by alcohol or other drugs or physical or mental disability or disease;
- (11) being incompetent in practice. In this Subparagraph, "being incompetent in practice" means the licensee has engaged in conduct that shows a lack of ability, fitness, or knowledge to apply principles or skills of the auctioneering profession;
- (12) engaging in unprofessional conduct. In this Subparagraph, "unprofessional conduct" means the licensee has committed any prohibited act as set forth in G.S. 85B-8(a);
- (13) obtaining or attempting to obtain compensation by fraud or deceit;
- (14) violation of any order of the Auctioneer Licensing Board requiring a licensee to comply with any provision of the Board's law or administrative rules;
- (15) failure to possess truth, honesty, and integrity sufficient to be entitled to the high regard and confidence of the public. In this Subparagraph, "a lack of truth, honesty, and integrity" shall be shown by proof that the applicant or licensee is in violation of other provisions of the Board's law and administrative rules that demonstrate that the applicant or licensee fails to meet this standard; or
- (16) failure to make the disclosures required by 21 NCAC 04B .0405.

(b) When applying the requirements of Paragraph (a) of this Rule to auction firms or their applications, the requirements shall apply to the firm, all the principals, and all of the designated persons of the firm.

History Note: Authority G.S. 85B-3.1; 85B-8; Eff. November 1, 1984; Amended Eff. January 1, 1995; Temporary Amendment Eff. January 1, 2000; Amended Eff. April 1, 2001; Readopted Eff. July 1, 2020.