

**RULES
OF
THE TENNESSEE AUCTIONEER COMMISSION**

**CHAPTER 0160-3
CONTINUING EDUCATION**

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0160-3-.01 DEFINITIONS

- (1) As used in this chapter, unless the context otherwise requires, the following definitions, are applicable:
- (a) "Commission" shall mean the Tennessee Auctioneer Commission.
 - (b) "License" shall mean a license issued by the Tennessee Auctioneer Commission in accordance with T.C.A. §62-19-111.
 - (c) "Licensee" shall mean any auctioneer, apprentice auctioneer or auction firm licensed in accordance with T.C.A. §62-19-111.
 - (d) "Personal identification number, shall mean the number assigned to a continuing education program approved by the Commission.

Authority: T.C.A. §62-19-106(b), 62-19-106(e), 62-19-411, 62-19-112(b)(7), and Public Acts of 1997 Chapter 91, §5. **Administrative History:** Original rule filed August 5, 1998; effective October 9, 1998.

0160-3-.02 PURPOSE.

The purposes of this chapter are to prescribe the basic continuing education requirements of licensees pursuant to T.C.A. §62-19-106(e), to establish criteria for evaluating whether or not credit shall be awarded and to what extent credit shall be awarded for participation in a continuing education program or other continuing education activity, to establish a method for course providers to report completion of a program by licensees and to otherwise provide for the effective administration of the continuing education requirements by the Commission.

Authority: T.C.A. §62-19-106(b), 62-19-106(e), 62-19-111, 62-19-112(b)(7), and Public Acts of 1997 Chapter 91, §5. **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998.

0160-3-.03 BASIC REQUIREMENTS

- (1) All licensees including auctioneer licensees, apprentice auctioneer licensees, gallery licensees, as well as non-auctioneer firm owners, except as otherwise provided by T.C.A. §62-19-106(e) and these rules, must obtain six (6) hours of continuing education per renewal cycle in order to renew a license, except as provided for in T.C.A. §62-19-106(e)(2).
- (2) A licensee attending a continuing education program shall provide the licensee's name and license number(s) to the sponsor in writing on the sponsor's registration form for any Commission-approved continuing education program. If the licensee fails to follow the

(Rule 0160-3-.03, continued)

aforementioned requirement, the licensee shall not receive credit for attending the program from the Commission.

- (3) A licensee who attends any continuing education program or engages in other continuing education activity which has not been approved by the Commission shall not be awarded credit by the Commission towards the continuing education requirement.
- (4) A licensed auctioneer or apprentice auctioneer who also is the holder of a firm license or gallery license need only obtain the number of hours of continuing education for the renewal of one (1) license in order for the Commission to renew both the auctioneer or apprentice auctioneer license and the firm license or gallery license.
- (5) Non-auctioneer gallery and non-auctioneer firm owners must obtain six (6) hours of continuing education per renewal cycle in order to renew their license, as set forth in Rule 0160-3-.03(1), except as provided for in T.C.A. § 62-19-106(e)(2).

Authority: T.C.A. §62-19-106(b) and (e). **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998. Repeal and new rule filed January 30, 2008; effective April 14, 2008.

0160-3-.04 QUALIFYING PROGRAMS

- (1) In order to qualify for credit toward satisfaction of the continuing education requirements of T.C.A. §62—19—106(e), a continuing education program must be a formal program of learning which contributes directly to the professional competence of the licensee.
- (2) A sponsor of a continuing education program shall obtain approval from the Commission as provided in this chapter.
- (3) Formal programs requiring attendance may only be considered for approval by the Commission if:
 - (a) an outline is prepared and preserved;
 - (b) the unit program is at least two (2) hours (1 credit hour = 50 minutes) in length;
 - (c) the program is conducted by an instructor, discussion leader or lecturer qualified in the opinion of the Commission by either education or experience or both; and
 - (d) a record of registration and attendance is maintained and certified by the signatures of an authorized representative of the organization sponsoring the program.
- (4) Subject to compliance with paragraphs one (1) through three (3) of this rule, the following may qualify as acceptable continuing education programs:
 - (a) University or college courses, provided that:
 1. successful completion of a semester or quarter length course will satisfy the continuing education requirement for the license renewal for which it is taken; and
 2. the courses are relevant to the auction industry;
 - (b) Programs of auctioneer associations and organizations recognized by the Commission; and
 - (c) Programs of other organizations and associations recognized by the Commission.

(Rule 0160-3-.04, continued)

- (5) Formal correspondence and other individual study programs which require registration and provide evidence of satisfactory completion may qualify for continuing education credit in an amount to be determined by the Commission.
- (6) Continuing education credit will be allowed for service as an instructor, discussion leader or speaker at any program for which participants are eligible to receive continuing education credit. Credit for such service shall be allowed on the first presentation only, unless the program has been substantially revised. One (1) hour of instruction will equal one (1) hour of continuing education.
- (7) Any program of continuing education not specifically mentioned by this rule may be submitted to the Commission for evaluation and approval.
- (8) The Commission specifically reserves the right to approve or disapprove credit for continuing education claimed under this rule.
- (9) Notwithstanding any provisions of these rules to the contrary, programs sponsored by the Commission qualify as acceptable continuing education programs. The Commission is exempted from all sponsor requirements; however, the Commission shall maintain for each program it sponsors a registration form on which licensees attending a program print and sign their names and license number(s). The Commission need not maintain a signed registration form for courses it sponsors over the Internet.
- (10) Notwithstanding any other provisions of these rules to the contrary the requirements of Rule 0160-3-.05, Sponsors, and paragraphs (2) and (3) of this rule shall not apply to sponsors the Commission determines are nationally recognized providers of auctioneer education. Those sponsors shall comply with the provisions of Rule 0160-3-.07, Control and Reporting System. The failure of such a sponsor to report as required shall result in the Commission's refusal to grant credit for attendance at programs of such sponsors and/or the suspension of the sponsor's recognition by the Commission under this paragraph. For purposes of this paragraph, the nationally recognized provider of auctioneer education is the National Auctioneer Association.

Authority: T.C.A. §62-19-106(b), 62-19-106(e), 62-19-111, 62-19-112(b)(7), and Public Acts of 1997 Chapter 91, §5. **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998. Amendments to rule filed January 30, 2007; effective April 14, 2008.

0160-3-.05 SPONSORS

- (1) The sponsor of any continuing education program shall apply for approval of such program by filing the form prescribed by the Commission at least thirty (30) days prior to the program being offered for continuing education credit. Such form shall include certification that the program sponsored will conform to the provisions of this chapter. The criteria the Commission will use to determine whether a program is acceptable and how many hours of credit will be awarded for continuing education activity is established in Rule 0160-3-.04 Qualifying Programs.
- (2) The sponsor of each continuing education program shall keep detailed records including:
 - (a) the date and location of the program presentation;
 - (b) the names and qualifications of each instructor in resume format;
 - (c) a registration form on which licensees attending the program print and sign their names and license number(s); and

(Rule 0160-3-.05, continued)

- (d) a written outline of the program agenda.
- (3) The records required by paragraph two (2) of this rule shall be maintained for a period of five (5) years following the date of each program presentation at a location listed on the application form. If the location of said records changes, the sponsor shall notify the Commission in writing of the new location of said records.
- (4) The sponsor of any continuing education program approved by the Commission may advise licensees of such approval and the number of continuing education hours for which the Board approved the course.
- (5) The Commission shall assign a personal identification number to each continuing education program it approves. The sponsor of each program shall keep its personal identification number confidential except that the number shall be disclosed when reporting program attendees to the Commission in accordance with Rule 0160—3—.07 Control and Reporting System.

Authority: T.C.A. §62-19-106(b), 62-19-106(e), 62-19-111, 62-19-112(b)(7), and Public Acts of 1997 Chapter 91, §5. **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998. Amendment filed January 30, 2008; effective April 14, 2008.

0160-3-.06 WITHDRAWAL OF PROGRAM APPROVAL

Approval of any program may be withdrawn by the Commission if:

- (a) The establishment or conduct of a program violates, or fails to meet the requirements of the provisions of this chapter or other applicable law;
- (b) The information contained in the application for approval is materially inaccurate or misleading;
- (c) The sponsor, an instructor, or any representative of the sponsor disseminates false or misleading information concerning any program;
- (d) The performance of the instructor is so deficient as to impair significantly the value of the program; provided, however, that the instructor shall receive written notice of the discovered deficiency and the opportunity to demonstrate satisfactory correction thereof;
- (e) The sponsor fails to submit to the Commission the material required by Rule 0160—3—.07 Control and Reporting System within twenty (20) working days of the date of the completion of the program;
- (f) A presentation of the program differs in substance from the materials submitted to the Commission for program approval; and/or
- (g) The sponsor knowingly submits false information to the Commission regarding attendees of the program.

Authority: T.C.A. §62-19-106(b), 62-19-106(e), 62-19-111, 62-19-112(b)(7), and Public Acts of 1997 Chapter 91, §5. **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998.

0160-3-.07 CONTROL AND REPORTING SYSTEM.

- (1) Within twenty (20) days of the completion of a sponsor's program, the sponsor shall submit to the Commission the original report and any required corrections identifying the program and the licensees who attended by either:
 - (a) transmitting the information electronically via computer; or
 - (b) supplying the information in any State approved data format with a label identifying the sponsor's name and program name.
- (2) An information data file including the information required by paragraph one (1) of this rule shall be provided in the State approved format.
- (3) The information data file shall include the following data elements:
 - (a) program name;
 - (b) sponsor name;
 - (c) date program was conducted;
 - (d) number of hours the Commission has determined would be awarded to a person attending the program; and
 - (e) name and license number of all attending licensees.
- (4) Upon receiving a written request from the Commission, a sponsor shall provide the Commission with a copy of the registration form required by paragraph (2)(c) of Rule 0160-3-.05, Sponsors.
- (5) Should any continuing education credit hours claimed in a submission by a sponsor be disapproved, the Commission shall cause notification be sent to the sponsor in writing of the reason for disapproval and allow a specified time for correction or explanation of any deficiency.

Authority: T.C.A. §62-19-106(b) and (e). **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998. Repeal and new rule filed January 30, 2008; effective April 14, 2008.

0160-3-.08 AUDITS.

The Commission may conduct random audits of continuing education programs to ensure compliance with the provisions of this chapter.

Authority: T.C.A. §62-19-106(b), 62-19-106(e), 62-19-111, 62-19-112(b)(7), and Public Acts of 1997 Chapter 91, §5. **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998.

0160-3-.09 EXTENSION OF TIME.

- (1) The Commission may, upon written request by a licensee, extend the time within which a licensee must comply with the requirements of this chapter for reasonable and just causes.
- (2) The grant of an extension by the Commission will result in the renewal of a license based on the condition that the licensee complete the continuing education requirement by the deadline established by the Commission. If the licensee fails to meet the continuing

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education requirement by the deadline established by the Commission or obtain another extension from the Commission, the licensee shall cease all activity requiring a license.

- (3) Any licensee who requests and is granted an extension of time under this rule shall remain subject to the provisions of this chapter and shall note such extension on any report or correspondence thereafter submitted until the licensee is in compliance with the requirements of this chapter.
- (4) If an extension of time is granted by the Commission without a deadline, the Commission shall review the extension every six (6) months for the purpose of determining whether good cause exists to continue such extension.

Authority: T.C.A. §62-19-106(b), 62-19-106(e), 62-19-111, 62-19-112(b)(7), and Public Acts of 1997 Chapter 91, §5. **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998.

0160-3-10 FAILURE TO OBTAIN REQUIRED CONTINUING EDUCATION.

- (1) A licensee who is not granted an extension of time and who fails to obtain the required number of continuing education hours prior to the expiration date appearing on the license(s) shall be denied renewal of his or her license(s) until the Commission receives documentation, as provided in this chapter, indicating that he or she has obtained the required continuing education. Such a licensee shall be subject to the penalties and procedures for late renewal established at T.C.A. §62—19—111.
- (2) A licensee who is not granted an extension and who fails to obtain the required number of continuing education hours prior to the expiration date of the licensee's license shall not engage in activity requiring a license under T.C.A., Title 62, Chapter 19 until or unless the Commission renews the relevant license after the licensee demonstrates that all requirements for renewal including the continuing education requirements have been met.
- (3) Acting as an auctioneer on an expired license constitutes grounds for the assessment of civil penalties pursuant to Rule 0160—1—.11 Civil Penalties.

Authority: T.C.A. §62-19-106(b), 62-19-106(e), 62-19-111, 62-19-112(b)(7), and Public Acts of 1997 Chapter 91, §5. **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998.

0160-3-11 COMITY.

The Commission will deem a licensee to have met the continuing education requirements provided herein if the licensee provides to the Commission prior to the expiration of the license, or when applying for renewal, a written statement by the licensee affirming the following:

(Rule 0160-3-.11, continued)

- (a) that the licensee resides in another state or territory which has been recognized by the Commission as having continuing education requirements acceptable to the Commission; and
- (b) that the licensee has satisfied all continuing education and registration requirements of that state or territory.

Authority: T.C.A. §62-19-106(b), 62-19-106(e), 62-19-111, 62-19-112(b)(7), and Public Acts of 1997 Chapter 91, §5. **Administrative History:** Original rule filed August 5, 1998; effective October 19, 1998.