

AUCTIONEER'S LICENSING BOARD

Enabling Laws

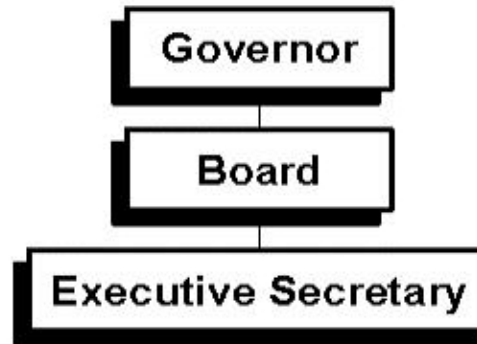
Act 131 of 2014
Act 266 of 1989 as amended
A.C.A. § 17-17-201

History and Organization

The Auctioneer's Licensing Board, consisting of seven members - four auctioneers and three consumer representatives, was created in 1989.

The mission of the organization is to protect public welfare by establishing and maintaining a high standard of integrity in the Profession of Auctioneers and Auction Houses.

The responsibility of the organization is to certify, license, register individuals and companies who meet the requirements to engage in the profession of Auctioneers and, additionally, to protect the public from illegal, incompetent, unethical and unprofessional practitioners.



Agency Commentary

The Auctioneer's Licensing Board was created by Act 266 of 1989. The Board is self-funded from funds collected through application fees for licensure, renewal of licenses and permits, issuance of permits, late penalties, examinations, and disciplinary fines.

The primary activities of the Board are as follows: 1) Administer a professional auctioneer examination four times a year; 2) License those who pass the examination and otherwise qualify; 3) Annually issue renewal licenses to all qualified auctioneers and auction house owners; 4) Maintain and publish a register of all qualified auctioneers and auction house owners that are permitted to operate in the State; 5) Conduct investigations into allegations of violations of Statutes and Rules and Regulations; 6) Conduct hearings and take disciplinary actions when appropriate; 7) Monitor continuing professional education on auctioneers for license renewals; 8) Conduct yearly audits of auction houses to ensure compliance with record keeping and reporting requirements. All of this is done with one secretary/treasurer position and an extra help position.

The Board is requesting Base Level for the 2015 - 2017 Biennium with the exception of an increase to Operating Expenses of \$2,309 for each year of the biennium. This increase is necessary to remain in compliance with the agency's Information Technology Plan.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS AUCTIONEER'S LICENSING BOARD
FOR THE YEAR ENDED JUNE 30, 2012

Findings	Recommendations
None	None

State Contracts Over \$50,000 Awarded To Minority Owned Businesses Fiscal Year 2014

None

Employment Summary

	Male	Female	Total	%
White Employees	0	1	1	100 %
Black Employees	0	0	0	0 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			0	0 %
Total Employees			1	100 %

Cash Fund Balance Description as of June 30, 2014

Fund Account	Balance	Type	Location
3440000	\$110,207	Checking and TMMP	Centennial Bank and Treasury

Statutory/Other Restrictions on use:

A.C.A. §17-17-204 authorizes all fees, charges, and penalties collected to be deposited in a bank or banks to be designated by the Board.

Statutory Provisions for Fees, Fines, Penalties:

A.C.A. §17-17-214 and A.C.A. §17-17-301 et seq. authorize the Agency to collect and use fees, fines, and penalties for operating costs.

Revenue Receipts Cycle:

Fees, fines, and penalties are collected during the fiscal year.

Fund Balance Utilization:

Funds are collected during the fiscal year and are used for operating expenses.

Fund Account	Balance	Type	Location
3440100	\$192,658	TMMP and CD	Bank of America and Treasury

Statutory/Other Restrictions on use:

A.C.A. §17-17-204 authorizes all fees, charges, and penalties collected to be deposited in a bank or banks to be designated by the Board.

Statutory Provisions for Fees, Fines, Penalties:

A.C.A. §17-17-204 authorizes the Agency to collect fees at initial licensure and at each renewal period.

Revenue Receipts Cycle:

Funds are collected from new licensees during the fiscal year.

Fund Balance Utilization:

Funds are collected from new licensees during the fiscal year and are used to pay any claim resulting from a disciplinary hearing. The Agency may use any funds above \$180,000 to advance education, underwrite seminars, and for improvement of the profession.

Publications

A.C.A. 25-1-201 et seq.

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution	Unbound Black & White Copies Produced During the Last Two Years	Cost of Unbound Copies Produced During the Last Two Years
		Governor	General Assembly				
Licensee List	A.C.A. 17-17-206	N	N	75	Required by A.C.A. 17-17-206 to be available to the general public upon request.	0	0.00

Agency Position Usage Report

FY2012 - 2013					FY2013 - 2014					FY2014 - 2015							
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total	
1	1	0	1	0	0.00 %	1	1	0	1	0	0.00 %	1	1	0	1	0	0.00 %

Analysis of Budget Request

Appropriation: C51 - Auctioneer's - Cash Operations

Funding Sources: 344 - Auctioneer's Licensing Board - Cash

The Arkansas Auctioneer's Licensing Board was established by Act 266 of 1989, as codified in Arkansas Code Annotated §17-17-201, for promulgating rules and regulations, licensing, and publishing annually a register of all auctioneers that are licensed to do business in Arkansas. The Agency monitors auctions held within the State and gives examinations to certify new auctioneers four times a year. The Commission consists of seven (7) Commissioners that are appointed by the Governor.

This is the primary operating appropriation of the Agency. Its revenues are generated from receipt of fees charged for examinations, licensing, renewals, and penalties.

Base Level Regular Salaries and Personal Services Matching include continuation of the previously authorized 2015 1% Cost of Living Adjustment and Career Service Payments for eligible employees. Personal Services Matching also includes a \$10 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$420 per month. Base Level salaries and matching do not include appropriation for Merit Pay Increases. The Base Level request for Regular Salaries includes board member stipend payments.

The Base Level request is \$209,297 each year of the biennium.

The Change Level request totals \$2,309 in Operating Expenses each year of the biennium. This request includes \$1,000 annually for data base support and \$1,309 annually for the Auctioneer's Board website subscription. This request is in compliance with the Board's - Information Technology Plan.

The Executive Recommendation provides for the Agency Request. Expenditure of appropriation is contingent upon available funding.

Appropriation Summary

Appropriation: C51 - Auctioneer's - Cash Operations
Funding Sources: 344 - Auctioneer's Licensing Board - Cash

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2013-2014 Actual	2014-2015 Budget	2014-2015 Authorized	2015-2016			2016-2017		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	55,635	56,179	56,279	56,687	56,687	56,687	56,687	56,687	56,687
#Positions	1	1	1	1	1	1	1	1	1
Extra Help 5010001	0	15,780	15,780	15,780	15,780	15,780	15,780	15,780	15,780
#Extra Help	0	1	1	1	1	1	1	1	1
Personal Services Matching 5010003	17,122	18,060	17,839	18,334	18,334	18,334	18,334	18,334	18,334
Operating Expenses 5020002	33,316	49,808	49,808	49,808	52,117	52,117	49,808	52,117	52,117
Conference & Travel Expenses 5050009	0	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500
Professional Fees 5060010	2,800	13,688	13,688	13,688	13,688	13,688	13,688	13,688	13,688
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Refunds/Reimbursements 5110014	0	500	500	500	500	500	500	500	500
Claims 5110015	1,250	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
Total	110,123	208,515	208,394	209,297	211,606	211,606	209,297	211,606	211,606
Funding Sources									
Fund Balance 4000005	312,080	302,865		194,728	194,728	194,728	85,809	83,500	83,500
Cash Fund 4000045	100,908	100,378		100,378	100,378	100,378	100,378	100,378	100,378
Total Funding	412,988	403,243		295,106	295,106	295,106	186,187	183,878	183,878
Excess Appropriation/(Funding)	(302,865)	(194,728)		(85,809)	(83,500)	(83,500)	23,110	27,728	27,728
Grand Total	110,123	208,515		209,297	211,606	211,606	209,297	211,606	211,606

FY15 Budget amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2013-2015 Biennium.

Expenditure of appropriation is contingent upon available funding.

Change Level by Appropriation

Appropriation: C51 - Auctioneer's - Cash Operations
Funding Sources: 344 - Auctioneer's Licensing Board - Cash

Agency Request

Change Level		2015-2016	Pos	Cumulative	% of BL	2016-2017	Pos	Cumulative	% of BL
BL	Base Level	209,297	1	209,297	100.0	209,297	1	209,297	100.0
C08	Technology	2,309	0	211,606	101.1	2,309	0	211,606	101.1

Executive Recommendation

Change Level		2015-2016	Pos	Cumulative	% of BL	2016-2017	Pos	Cumulative	% of BL
BL	Base Level	209,297	1	209,297	100.0	209,297	1	209,297	100.0
C08	Technology	2,309	0	211,606	101.1	2,309	0	211,606	101.1

Justification

C08	The Board is requesting a total increase of \$2,309 to Operating Expenses each year of the biennium. This increase includes \$1,309 annually for the Auctioneer's Board webpage subscription and \$1,000 annually for Data Base Support. These requests are in compliance with the Board's Information Technology Plan.
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