

AUCTIONEER'S LICENSING BOARD

Enabling Laws

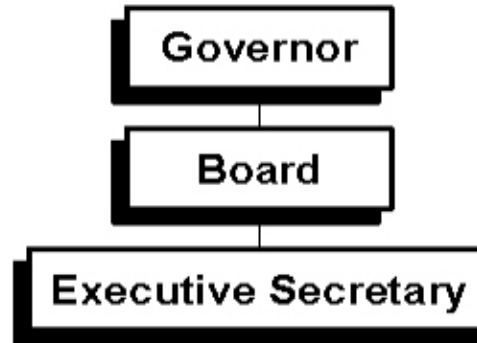
Act 19 of 2010
Act 266 of 1989 as amended
A.C.A. § 17-17-201

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 operated 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 2011 - 2013 biennium.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
AUCTIONEER'S LICENSING BOARD

Findings

A separate report for this Agency was not issued. However, financial activity for the Agency was included in the audit of the State's CAFR for the year ended June 30, 2009.

Recommendations

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, 2010

Fund Account	Balance	Type	Location
3440000	\$110,460	Checking and TMMP	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. §17-17-114, A.C.A. §17-17-301, and A.C.A. §17-17-302 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 year.

Fund Balance Utilization:

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

Fund Account	Balance	Type	Location
3440100	\$183,682	TMMP and CD	Treasury and Centennial Bank

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 annual renewal period.

Revenue Receipts Cycle:

Funds are collected from new licensees during the year.

Fund Balance Utilization:

Funds are collected from new licensees during the 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. 25-1-204

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution
		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.

Agency Position Usage Report

FY2008 - 2009						FY2009 - 2010						FY2010 - 2011					
Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused
	Filled	Unfilled	Total				Filled	Unfilled	Total				Filled	Unfilled	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 salaries and matching provide for the continuation of one position and do not include appropriation for a Cost of Living Adjustment or a Career Service Payment. The Base Level request for Regular Salaries also includes board member stipend payments.

The Commission is requesting its Base Level of \$202,490 for each year of the 2011-2013 biennium.

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		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	50,308	53,131	44,900	52,331	52,331	52,331	52,331	52,331	52,331
#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	13,808	16,005	14,219	15,883	15,883	15,883	15,883	15,883	15,883
Operating Expenses	5020002	36,998	49,808	49,808	49,808	49,808	49,808	49,808	49,808	49,808
Conference & Travel Expenses	5050009	0	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500
Professional Fees	5060010	3,325	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	0	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		104,439	203,412	193,395	202,490	202,490	202,490	202,490	202,490	202,490
Funding Sources										
Fund Balance	4000005	290,493	294,142		204,230	204,230	204,230	118,240	118,240	118,240
Cash Fund	4000045	108,088	113,500		116,500	116,500	116,500	119,500	119,500	119,500
Total Funding		398,581	407,642		320,730	320,730	320,730	237,740	237,740	237,740
Excess Appropriation/(Funding)		(294,142)	(204,230)		(118,240)	(118,240)	(118,240)	(35,250)	(35,250)	(35,250)
Grand Total		104,439	203,412		202,490	202,490	202,490	202,490	202,490	202,490

The FY11 Budget amounts in Regular Salaries and Personal Services Matching exceed the Authorized amounts due to salary adjustments and matching rate adjustments during the 2009-2011 biennium.