

By Mr. O'Brien of Raynham, petition of Walter W. O'Brien for legislation to establish a board of auctioneers, defining its powers and duties and providing for the licensing and regulation of auctioneers and apprentice auctioneers. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT CREATING A BOARD OF AUCTIONEERS, DEFINING ITS POWERS AND DUTIES AND PROVIDING FOR THE LICENSING AND REGULATION OF AUCTIONEERS AND APPRENTICE AUCTIONEERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 112 of the General Laws is hereby amended by
2 adding under the caption REGISTRATION OF AUCTIONEERS the
3 following sections:—

4 *Section 98.* As used in this chapter unless the context
5 otherwise requires:

6 (a) "Apprentice auctioneer" means any person, who for
7 compensation or consideration, or otherwise, is employed,
8 directly or indirectly, by an auctioneer to deal or engage in
9 any activity enumerated in paragraph (b);

10 (b) "Auctioneer" means any person who, for a fee, com-
11 mission, or any other valuable consideration, or with the
12 intention or expectation of receiving the same, by the means
13 of, or process of, an auction or sale at auction, offers,
14 negotiates or attempts to negotiate, a listing contract, sale,
15 purchase or exchange of goods, chattels, merchandise, real or
16 personal property, or of any other commodity which may
17 lawfully be kept or offered for sale by or at public auction;

18 (c) "Board" means the board of auctioneers;

19 (d) "Goods" means any chattels, livestock goods, merchan-
20 dise, real or personal property, or commodities of any form or
21 type which may be lawfully kept or offered for sale;

22 (e) "Persons" includes individuals, associations, partner-
23 ships and corporations, and the word "persons" shall also
24 include the officers, directors and employees of a corpora-
25 tion.

26 *Section 99.* No person shall act as an auctioneer or appren-
27 tice auctioneer, or advertise or assume to act in any such
28 capacity without a license issued by the board of auc-
29 tioneers.

30 *Section 100.* There is hereby created a board of auctioneers
31 consisting of five members to be appointed by the governor,
32 three of whom shall be practicing auctioneers and members of
33 the Massachusetts State Auctioneers Association, and no
34 more than two of whom shall be members of the same
35 political party. Of the members first appointed, one shall be
36 appointed for a term of one year, one for two years and three
37 for three years. Thereafter the term of the members of the
38 board shall be three years. Each member shall serve until his
39 successor is appointed and qualified. The board shall select a
40 chairman from its membership and shall reorganize annually
41 upon the qualification of the member appointed each year by
42 the selection of a chairman.

43 *Section 101.* The board shall annually publish a list of the
44 names and addresses of all auctioneers and apprentice auc-
45 tioneers licensed by it pursuant to this chapter. This list shall
46 also contain the names of all persons whose licenses have
47 been suspended or revoked within the preceding year, as well
48 as any other information relative to the enforcement of the
49 provisions of this act that the board may deem of interest to
50 the public.

51 *Section 102.* The board may grant auctioneers' licenses to
52 those persons deemed qualified by the department. Every
53 applicant for an auctioneer's license shall furnish to the
54 board, on forms provided by it, satisfactory proof of the
55 following:

- 56 (A) That such applicant has a good reputation;
- 57 (B) That such applicant is of trustworthy character;
- 58 (C) That such applicant has served as an apprentice
59 auctioneer for at least one year within this state;
- 60 (E) That such applicant is a citizen of the United
61 States;

62 (F) That such applicant has a general knowledge of the
63 following;

64 (1) The requirements of the Revised Code relative to
65 auctioneers;

66 (2) The auction profession;

67 (3) The principles involved in conducting an auction.

68 (G) That he has been a resident of Massachusetts for at
69 least one year.

70 *Section 103.* The board shall hold written examinations
71 twice each year. An examination shall not be required for the
72 renewal of any license unless such license has been revoked or
73 suspended, in which case the applicant shall take and pass a
74 written examination offered by the board. All other appli-
75 cants must pass the examination according to the standards
76 set by the board in order to receive a license.

77 There shall be an examination fee of twenty-five dollars
78 which shall be used to defray expenses of holding such
79 examination. A fee of fifty dollars shall be paid on issuance of
80 an auctioneer's license.

81 All applications and proofs must be filed by each applicant
82 fifteen days before the scheduled date of examination, and
83 must be accompanied by a bond and license fee.

84 All persons who are or have been licensed as auctioneers
85 prior to January first, nineteen hundred and sixty-eight,
86 shall be relicensed as such without examination and subject
87 to the requirements in effect prior to that date, by making
88 application for such license on forms provided by the board
89 and paying the required fee of fifty dollars.

90 *Section 104.* The board may grant apprentice auctioneers'
91 licenses to those persons deemed qualified by the board.
92 Every applicant for an apprentice auctioneer's license shall
93 furnish to the board, on forms provided by the department,
94 satisfactorily proof of the following:

95 (A) That such applicant has a good reputation;

96 (B) That such applicant is of trustworthy character;

97 (C) That such applicant has attained the age of at least
98 twenty years;

99 (D) That such applicant is a citizen of the United States.

100 When any apprentice auctioneer is discharged or termi-
101 nates his employment with an auctioneer for any reason, the

102 auctioneer shall immediately deliver or mail by registered
103 mail to the board the license of such apprentice auctioneer.
104 No apprentice auctioneer shall thereafter perform any acts
105 under authority of his license until such apprentice auctioneer
106 receives a new license bearing the name and address of his new
107 employer. No more than one license shall be issued to any
108 apprentice auctioneer for the same period of time.

109 (A) That board shall prepare and deliver to each licensee a
110 license certificate. The certificate shall be displayed conspic-
111 uously at all times in the office of the licensee. The certificate
112 of the apprentice auctioneer shall contain the name and
113 address of the auctioneer under whose supervision he is
114 employed.

115 *Section 105.* Every application for an auctioneer's or ap-
116 prentice auctioneer's license shall be accompanied by a bond
117 in the amount of three thousand dollars. The bond shall be a
118 cash bond or a surety bond and, if the latter, shall be
119 executed by a surety company authorized to do business in
120 the commonwealth, and shall be made to the commonwealth
121 of Massachusetts. The bond shall be conditioned that the
122 applicant shall conduct his business in accordance with the
123 provisions of this chapter. The bond shall be in a form
124 approved by the attorney general. No license may be issued
125 until such a bond has been filed with the board.

126 *Section 106.* A nonresident may become an auctioneer or
127 apprentice by conforming to all the conditions of this chapter.
128 In its discretion, however, the board may waive the written
129 examination, provided the nonresident has passed a written
130 examination of the same standards in another state, and is in
131 good standing in that state at the time his application is
132 submitted.

133 The nonresident must pay the issuance fee, unless he
134 resides in any state having reciprocal agreements on auc-
135 tioneers. He may be licensed on reciprocal agreement, but
136 shall furnish the bond required by section ten.

137 *Section 107.* (a) Each auctioneer shall keep a fair and
138 particular account of all goods and chattels sold by him and
139 of the persons from whom they were received, and abide by
140 sales tax law.

141 (b) Any auctioneer licensed by the board may sell real or
142 personal property by public auction in any place within the
143 commonwealth, if such sale is made where such property is
144 situated and in accordance with such conditions relative to
145 the hours and places of selling goods and chattels in the town
146 of sale.

147 *Section 108.* The board may revoke or suspend any license,
148 after notice and hearing, for any of the following causes:
149 obtaining a license through false or fraudulent representation,
150 continued and flagrant course of misrepresentation, making
151 false promises through agents, advertising or otherwise, fail-
152 ing to account for or remit within a reasonable time any
153 monies belonging to others that come into his possession, or
154 conviction in a court of competent jurisdiction of this com-
155 monwealth or any state of a criminal offense involving moral
156 turpitude or a felony, or receiving for sale or buying any
157 goods from a minor. The provisions of chapter thirty A shall
158 apply to the actions of the board taken under this section.

159 *Section 109.* The commonwealth shall distribute one third
160 of any funds received by the licensing board after deducting
161 the costs of operations of the board to the cities and towns of
162 the commonwealth.

163 *Section 110.* Whoever not being licensed and qualified as
164 an auctioneer, sells or attempts to sell any property by public
165 auction, shall forfeit not more than five hundred dollars.

166 *Section 111.* Whoever sells or attempts to sell by public
167 auction or advertises for sale any goods, wares or merchandise
168 falsely representing or pretending that such goods, wares or
169 merchandise are, in whole or in part, a bankrupt or insolvent
170 stock, or damaged goods, or goods saved from fire, or makes
171 any false statement as to the previous history or character of
172 such goods, wares or merchandise, shall be punished by a fine
173 of not more than one hundred dollars, and shall be liable in
174 contract to any person purchasing any such goods, wares or
175 merchandise because of such representation or statement, in
176 an amount equal to three times the amount paid therefor.

177 *Section 112.* An auctioneer or other person who is guilty of
178 fraud or deceit in relation to a sale by auction shall forfeit not
179 more than five hundred dollars.

180 *Section 113.* This chapter shall not extend to sales made by
181 sheriffs, deputy sheriffs, collectors, of taxes, executors, admin-
182 istrators, guardians, conservators.

183 *Section 114.* No auctioneer, or licensee or any other person
184 shall employ or permit to be employed or allow, directly or
185 indirectly, any person to act at any public auction as a
186 "capper", "by-bidder" or in any like capacity, for the purpose
187 of bidding up the price of any goods, wares or merchandise
188 offered for sale, in competition with bona fide bidders, or for
189 the purpose of encouraging or enticing bona fide bidders to
190 purchase, or stimulating competitive bidding or sales; and no
191 person shall act in such a capacity at any public auction; nor
192 shall any person make or accept any false bid to buy, or
193 pretend to buy or sell, any goods, ware or merchandise at
194 any public auction.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is essential for the proper management of the organization's finances and for ensuring compliance with applicable laws and regulations.

Financial Statement of Operations

The following table provides a summary of the organization's financial performance over the reporting period. The data shows a steady increase in revenue, which has been primarily driven by the growth in our core business segments. Despite the challenges posed by the current economic environment, we have managed to maintain a strong level of operational efficiency and control our costs effectively.

In addition to the financial results, we have also focused on improving our operational processes and enhancing the quality of our customer service. These efforts have resulted in increased customer satisfaction and loyalty, which is a key driver of our long-term success.

Overall, the organization has achieved significant milestones during the reporting period and is well-positioned to continue its growth and success in the future. We are confident that our strategic initiatives and strong leadership will enable us to overcome any challenges and achieve our long-term goals.

