



South Carolina Department of Labor, Licensing and Regulation

## South Carolina Auctioneers' Commission

110 Centerview Dr. • Columbia • SC • 29210

P.O. Box 11329 • Columbia • SC 29211-1329

Phone: 803-896-4670 • Contact.Auctioneers@llr.sc.gov • Fax: 803-896-4554

llr.sc.gov/auc

### AUCTIONEER FIRM LICENSE REQUIREMENTS AND APPLICATION PROCESS OVERVIEW

*Before calling in to the Commission Office – You may check your application status online at:*

<https://eservice.llr.sc.gov/SSO/Login/LoginPage>.

#### **Licensure Requirements:**

To qualify for auction firm licensure a business entity must meet the following qualifications:

1. Submission of complete firm application and \$400 fee.
2. Submit proof of firm ownership and/or firm manager
3. Submit a [Certificate of Existence from the SC Secretary of State](#) dated within six months of the application date.
4. If owned or managed by a person not licensed as an Auctioneer in South Carolina, the individual must successfully pass the Auction Firm examination.

#### **Exemptions for Auction Firm Licensure:**

The following businesses are exempt from auction firm licensure requirements:

- A sole proprietorship, or
- A Real Estate Broker-in-Charge and real estate brokerage employing a SC licensed auctioneer to handle transactions peculiar to the auctioneer profession.

#### **Application Process:**

*Your application is good for one (1) year from the date of receipt. If all required information is not received within this one (1) year period you must begin the application process from the beginning. This includes, but is not limited to, the application fee, certificate of existence, etc.*

1. **Application** – In addition to a completed application, the following must also be sent:
  - **Application Fee:** \$400 initial application fee made out to SC Auctioneers Commission. (Fees are non-refundable and non-transferable) A returned check fee of up to \$30, or an amount specified by law, may be assessed on all returned funds.
  - **Identification:** If submitting party is not a current, active licensed SC Auctioneer
    - Copy of your valid driver's license, state issued ID, or passport
    - Copy of signed Social Security card
  - **FEIN**
  - **Proof of Ownership:** Copy of the business partnership agreements, corporate resolutions, articles of incorporation, or any other such document showing compliance to ownership requirements listed above.
  - **Affidavit of Authority:** If managed by an actively license SC Auctioneer, signed attestation that the licensee has the authority to make decisions affecting the manner in which the firm does business must be provided.
  - **Certificate of Existence/Authority:** (aka Certificate of Good Standing) Is issued by the SC Secretary of State and can be electronically requested at <https://businessfilings.sc.gov/BusinessFiling/Entity/Search>. Certificates must be within 6 months immediately preceding the application date.

- **Designation of Agent for Service (if applicable):** applicable to out-of-state firms.
- **Escrow/Trust Account Certification Affidavit**
- **Personal History Questions:** For each “Yes” answers in the Personal History Information, a completed Explanatory State of “Yes” Answer form must be completed. Copies of legal documentation should also be included. Additional information may be requested by the Commission Office or an appearance before the Commission may be necessary.

**2. Documents should be sent directly to the Commission from the issuing agency/institution.**

- **Verification of Licensure:** Contact each state jurisdiction to which the firm is currently or has previously been licensed with and have the certificate of licensure sent directly to the Commission office via email at [contact.Auctioneers@llr.sc.gov](mailto:contact.Auctioneers@llr.sc.gov) or mail.

**3. Examination:** If an owner or manager of the firm is not a SC license auctioneer, once a completed application has been received and approved, the individual will be authorized to take the examination. The examination is administered by Prov, Inc. Applicants will not be authorized to take the exam until a complete application is on file.

Applicants will receive notification from Prov when they are authorized to register for the examination. Applicants are responsible for registering and scheduling with Prov. The examination registration fee is to be paid directly to Prov upon registration.

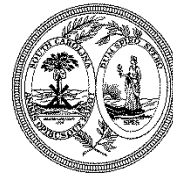
Exam eligible applicants are encouraged to review the [Prov Auctioneer Candidate Information Bulletin](#).

Prov will send examination score reports directly to the Commission office. Please do not send your score report to the Commission office.

**4. Licensure:** Upon receipt of complete application, and if applicable a passing examination score from Prov, the Commission will issue the firm license. Licensees may validate license status on the Licensee Lookup Systems, <https://verify.llronline.com/LicLookup/Auctioneer/Auctioneer.aspx?div=29>.



STATE OF SOUTH CAROLINA  
DEPARTMENT OF LABOR, LICENSING AND REGULATION  
**VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES**  
**AFFIDAVIT OF ELIGIBILITY**



Pursuant to Section 8-29-10, *et seq.* of the South Carolina Code of Laws (1976, as amended), the Department of Labor, Licensing and Regulation must verify that any person who applies for a South Carolina license is lawfully present in the United States. Complete and sign this affidavit of eligibility. The information provided is subject to verification.

**Section A: LAWFUL PRESENCE in the United States.**

The undersigned \_\_\_\_\_, of \_\_\_\_\_  
(Print clearly First, Middle, and Last name) (Home Address, City, State, and Zip Code)  
being first duly sworn deposes and states as follows:

**Check only one box:**

1. ☐ I am a United States citizen; or
2. ☐ I am a Legal Permanent Resident of the United States eighteen years of age or older; or
3. ☐ I am a Qualified Alien or non-immigrant under the Federal Immigration and Nationality Act, Public Law 82-414, eighteen years of age or older, and lawfully present in the United States.
4. ☐ Other: \_\_\_\_\_ Please submit any documentation that supports this status.

Date of Birth: \_\_\_\_\_

Alien Number: \_\_\_\_\_ I-94 Number: \_\_\_\_\_

**(If you checked number 2, 3, or 4 you must attach a copy of your immigration documents. See instruction sheet for a list of accepted immigration documents.)**

**Section B: ATTESTATION.**

**I understand** that in accordance with section 8-29-10 of the South Carolina Code of Laws, a person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall, in addition to other sanctions imposed by this State or the United States, be guilty of a felony, and upon conviction must be fined and/or imprisoned for not more than 5 years (or both).

**I understand** that the representations made in this Affidavit shall apply through any license(s) or renewals issued, and that I shall have an affirmative duty to immediately advise the Department of Labor, Licensing and Regulation of any change of my immigration or citizenship status.

**I swear and attest the information contained herein is true and correct to the best of my knowledge. I understand that under South Carolina law, providing false information is grounds for denial, suspension, or revocation of a license, certificate, registration or permit.**

\_\_\_\_\_  
Signature of Affiant

SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Print Name

Notary Public for \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## INSTRUCTION SHEET FOR COMPLETING AFFIDAVIT OF ELIGIBILITY

### **CHECK box 1:**

If you are a United States Citizen by birth or naturalization

### **CHECK box 2:**

If you are a Legal Permanent Resident and you are not a U.S. Citizen, but are residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant.

**PROVIDE A COPY OF ALL IMMIGRATION DOCUMENTS.**

### **CHECK box 3:**

If you are a Qualified Alien. You are a Qualified Alien if you are:

An alien who is lawfully admitted for residence under the INA.

An alien who is granted asylum under Section 208 of the INA.

A refugee who is admitted to the United States under Section 207 of the INA.

An alien who is paroled into the United States under Section 212(d)(5) of the INA for a period of at least 1 year.

An alien whose deportation is being withheld under Section 243(h) of the INA (as in effect prior to April 1, 1997) or whose removal has been withheld under Section 241(b)(3).

An alien who is granted conditional entry pursuant to Section 203(a)(7) of the INA as in effect prior to April 1, 1980.

An alien who is a Cuban/Haitian Entrant as defined by Section 501(e) of the Refugee Education Assistance Act of 1980.

An alien who has been battered or subjected to extreme cruelty, or whose child or parent has been battered or subject to extreme cruelty.

**PROVIDE A COPY OF ALL IMMIGRATION DOCUMENTS.**

### **ACCEPTED IMMIGRATION DOCUMENTS:**

Unexpired Reentry Permit (I-327)

Permanent Resident Card or Alien Registration Receipt Card With Photograph (I-551)

Unexpired Refugee Travel Document (I-571)

Unexpired Employment Authorization Card Which Contains a Photograph (I-766)

Machine Readable Immigrant Visa (with Temporary I-551 Language)

Temporary I-551 Stamp (on passport or I-94)

I-94 (Arrival/Departure Record) in Unexpired Foreign Passport

I-20 (Certificate of Eligibility for Nonimmigrant, F-1, Student Status)

DS2019 (Certificate of Eligibility for Exchange Visitor, J-1, Status)



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### AFFIDAVIT OF AUTHORITY

*To be completed in conjunction with the Auction Firm Application if the firm is owned or managed by a SC licensed auctioneer.*

Pursuant to S.C. Code, Section 40-6-235, I, \_\_\_\_\_, am the owner  
(Owner)

\_\_\_\_\_, and give \_\_\_\_\_ the authority to  
(Name of Auction Firm) (SC Licensed Auctioneer, Manager)

make decisions affecting the manner in which the firm does business.

Sworn to and subscribed before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_\_.

Notary Signature: \_\_\_\_\_

(Notary Seal)

Print Name: \_\_\_\_\_

Notary for the State of: \_\_\_\_\_

My Commission expires: \_\_\_\_\_



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**\*\*\*FOR OUT-OF-STATE FIRMS ONLY\*\*\***

**DESIGNATION OF AGENT FOR THE SERVICE OF PROCESS**

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, \_\_\_\_\_

(Type or print Firm's name)

being an applicant for licensure as an auction firm based outside of the State of South Carolina, does hereby irrevocably designate and appoint the Commission Executive, South Carolina Department of Labor, Licensing and Regulation Auctioneers' Commission, State of South Carolina, as his (her, its) agent for the purpose of accepting service of any and all processes issued by any court located within the State of South Carolina, as well as service of all pleadings and other papers, relating in any way to any action, suit or legal proceeding arising out of or pertaining to his (her, its) duties or responsibilities as an auctioneer or apprentice auctioneer in the State of South Carolina. The undersigned further consents, stipulates and agrees that any lawful process served upon the aforesaid agent shall have the same legal force and validity as if served upon the undersigned personally within the State of South Carolina and that the authority contained herein shall continue in force and effect so long as any liability against the undersigned remains outstanding in the State of South Carolina.

Name of Firm Representative: \_\_\_\_\_

Signature of Firm Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_ .

Notary Signature: \_\_\_\_\_

*(Notary Seal)*

Print Name: \_\_\_\_\_

Notary for the State of: \_\_\_\_\_

My Commission expires: \_\_\_\_\_



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**ESCROW ACCOUNT VERIFICATION FOR AUCTIONEERS**

Pursuant to **S.C. Code, Section 40-6-300 and Reg 14-11(B)**, a licensee must maintain and deposit funds in a trust/escrow account with an insured bank or savings and loan association if auction proceeds are held by the licensee more than three (3) business days. The Commission or its designated representative may examine the account for investigation or inspection purposes. Licensees must notify the Commission immediately by certified mail, return receipt requested, of any account changes.

**Complete the appropriate sections below which apply to your business policy.**

**CERTIFICATION**

**I hereby certify I am employed by another licensed auctioneer, licensed auction firm, real estate broker-in-charge, or real estate firm that maintains an active escrow account used solely for the purpose of holding funds of others in relation to auctions.**

Account Holder's Name: \_\_\_\_\_ Account No.: \_\_\_\_\_

Bank Name: \_\_\_\_\_

Bank Address: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Principal Employer Signature: \_\_\_\_\_ License No.: \_\_\_\_\_

Applicant or Licensee Signature: \_\_\_\_\_ License No.: \_\_\_\_\_

(If applicant, indicate "pending")

**AUTHORIZATION**

**I authorize the Auctioneers' Commission or its designated representative to examine any information regarding the escrow account herein indicated.**

Applicant or Licensee Signature: \_\_\_\_\_ License No.: \_\_\_\_\_

(If applicant, indicate "pending")

Firm Name: \_\_\_\_\_

Account Holder's Name: \_\_\_\_\_ Account No.: \_\_\_\_\_

Account Holder Signature: \_\_\_\_\_

Bank Name: \_\_\_\_\_

Bank Address: \_\_\_\_\_

**NOTARIZATION**

Sworn to and subscribed before me this \_\_\_\_\_ day

of \_\_\_\_\_ 20\_\_\_\_ .

Notary Signature: \_\_\_\_\_

*(Notary Seal)*

Print Name: \_\_\_\_\_

Notary for the State of: \_\_\_\_\_

My Commission expires: \_\_\_\_\_



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**EXPLANATORY STATEMENT OF “YES” ANSWERS**

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Type of License/Registration Applying For (check one): ☐ Apprentice ☐ Auctioneer ☐ Auction Firm

**Explanation of “Yes” answer to Personal History Question no. (Check one only):**

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6

Jurisdiction in which the action/event occurred (City, County & State): \_\_\_\_\_

Any case, file or credential number: \_\_\_\_\_

**Offense(s) Explanation:** You must provide a detailed statement of the events surrounding the conviction(s), denial or discipline of licensure, including all pertinent information (such as charges, dates, locations, and sentences). Provide copies of any case, file or licensing documents or records showing the final disposition, if applicable. Attach additional pages or copies of this form if necessary.

**AFFIRMATION**

I certify under penalty of perjury that that all statements, answers and representations made in this form, including all supplementary documents submitted with the form, are true and correct to the best of my knowledge after undertaking due diligence to determine their accuracy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date