



Auctioneers Association of Ontario

Incorporated 1984

AUCTIONEER'S HANDBOOK

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The Auctioneers Association of Ontario distributes this handbook and the information contained here-in to members in good standing. The AAO makes no guarantee and assumes no responsibility for the accuracy of the information contained in this handbook. Members and others with access to this information should obtain appropriate professional advice on all matters relating to their legal and fiduciary responsibilities.

Suggestions for additional information and/or amendments to this handbook should be directed to the Secretary-Treasurer of the AAO.

Revised April 2019

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DEDICATION

The Auctioneers Association of Ontario wishes to express its gratitude to the persons who have served the organization so well during its formative years, as Charter Members, Directors, Presidents, Officers, Chairpersons and faithful members.

The Association is pleased to take this opportunity to express its sincerest appreciation for their dedication and service.

The Board of Directors would like to thank AAO member Alec Jeffrey for his effort and perseverance in the development of this project.

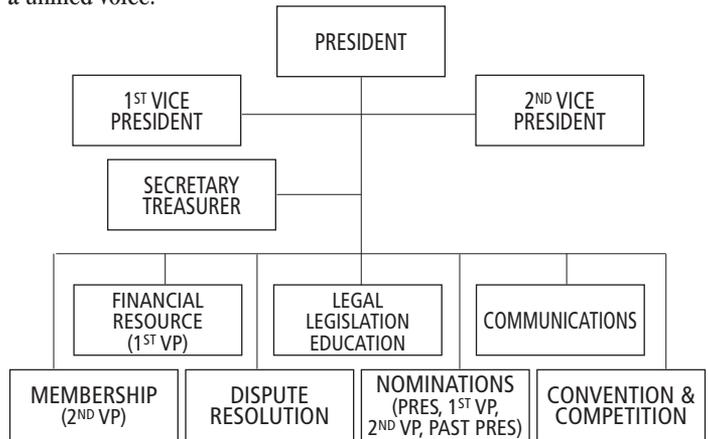
CORPORATE

1. The Auctioneers Association of Ontario (AAO) is an incorporated, not-for-profit organization. Its organization includes an elected Board of Directors (BoD), from which officers of the Corporation are appointed on an annual basis. The BoD has a structure of standing and special purpose committees and sub-committees that perform functions as specified by the BoD. The structure of the AAO is described below.

Purpose

2. The purpose of the AAO is to represent the interests of all sectors of the auction industry in Ontario through the provision of leadership, professional development, organization and structure, monitoring and interpretation of industry trends, and to speak for its membership with a unified voice.

Administrative Structure of the AAO



Succession of Officers

The plan of succession is designed to ensure that leaders are well versed in their responsibilities and have the knowledge necessary to progress from one position to another (see Article 35 of the By-laws). It is essential to the AAO’s success that those who are elected to leadership positions have the time and qualities necessary for the job.



Succession of Officers

Regional Directors

Members-at-large may be appointed annually by the Board of Directors to the position of Regional Director. Typically, North, South, East and Western regions are represented in this fashion. Duties of these representatives are as specified by the Board.

Letters Patent and Corporate Seal Letters Patent were issued to Ontario Corporation 625302 by the Honourable Robert Runciman, Minister of Consumer and Commercial Relations for the Province of Ontario, on May 24, 1985. On the occasion of the change in name of the Corporation, supplementary Letters Patent were issued on June 21, 1988 by the Honourable William Wrye, Minister of Consumer and Commercial Relations. The Corporate Seal of the AAO is held by the Corporation's lawyers.

By-laws 3. By-laws of the AAO were adopted from those of the AAofC in 1984. They have been amended by the AAO to reflect changes in the organization, structure and operation of the Corporation. Current By-laws are reproduced below for the information of members. Members are urged to contact the Secretary-Treasurer for amendments to the By-laws not shown in this version.

BY-LAWS OF THE AUCTIONEERS ASSOCIATION OF ONTARIO

CORPORATE SEAL

1. Auctioneers Association of Ontario



CONDITIONS OF MEMBERSHIP

2. Membership in the Corporation shall consist of the categories of Individual, Corporate, Associate and Honorary. All membership categories shall be limited to persons/corporations of good moral character and who agree to conform to the Letters Patent, By-Laws and Code of Ethics of the Corporation as the same may be amended from time to time.

2.1 Members, other than Honorary members, require their membership application to receive the approval of the Board of Directors of the Corporation.

3. The conditions of membership are:

3.1 Individual Membership, other than honorary members, shall be individual persons.

3.2 Corporate Membership with voting rights, other than honorary members, shall be registered business entities that are actively engaged in the auction industry and must name one officer of the company that is empowered to vote on behalf of the company.

SECTION 1 – CORPORATE

3.3 Associate Membership with no-voting rights, may be granted to businesses, Corporations and individuals applying for membership.

3.4 Honorary Membership with no-voting rights may be granted to members and non-members in recognition of any outstanding service rendered for or on behalf of this Corporation for the auction profession. Honorary members shall not be required to pay dues.

3.5 Dues of members shall be as are established by the Board of Directors and shall be paid by the member or through provincial or affiliated organizations.

4. Any member including honorary members may withdraw from the Corporation by delivering to the Corporation a written resignation and lodging a copy of the same with the Secretary of the Corporation.

5. Should any member fail to pay dues as required by the Board of Directors, then the membership of such member shall automatically terminate forthwith. Such membership may be automatically reinstated by payment of such delinquent dues and all subsequent dues made to the date of the member's reinstatement, within one year following the first delinquency in payment. Thereafter such member shall be admitted only upon the approval of the Board of Directors as a new member.

6. The Board of Directors, by majority vote of those present at a duly called meeting at which a quorum is present, may suspend, reprimand or expel any member found to have violated the Code of Ethics of The Auctioneers Association of Ontario, the Letters Patent of the Corporation, or these By-laws. No such action shall be taken against any member until the member shall have been given written notice of the charges against him and has been granted a hearing before the Board of Directors regarding such charges. The decision of the Board of Directors in such regard shall be final.

7. The right of a member to vote on or participate in any activities in the Corporation shall cease on termination of his membership.

HEAD OFFICE

8. The head office of the Corporation shall be at the city of residence of the Secretary in the Province of Ontario.

BOARD OF DIRECTORS

9. Commencing with the issuance of the Letters Patent of the Corporation and ending one year later, the property and business of the Corporation shall be managed by a Board of Nine Directors of whom Five shall constitute a quorum.

10. “Commencing with the issuance of the Letters Patent of the Corporation, the property and business shall be managed by a Board of Nine Directors of whom five shall constitute a quorum”.

11. Successors to the first Directors shall be elected by the members at an annual meeting of the members, for a term of three years, or such term as prescribed by the Nominating Committee.

12. The office of Director shall be automatically vacated:

- a. if a Director shall resign his office by delivering a written resignation to the Secretary of the Corporation;
- b. if he is found to be a lunatic or become of unsound mind;
- c. if he becomes bankrupt or suspends payment or compounds with his creditors;
- d. if at a special general meeting of members a resolution is passed by two-thirds of the members present at the meeting that he be removed from office;
- e. if he remains absent from three consecutive general or special meetings of the Board of Directors without an excuse deemed valid by the Board of Directors;
- f. on death.

If any vacancy shall occur for any reason in this paragraph contained, the Board of Directors by majority vote, may, by appointment, fill the vacancy with a member of the Corporation.

13. A Director shall remain in office for the prescribed term, and will be deemed to have retired following dissolution or adjournment of the meeting at which his successor is elected.

14. Directors and executive committee members, as such, shall not receive any stated remuneration for their services, but, by

resolution of the Board of Directors, expenses of their attendance may be allowed for their attendance at each regular or special meeting of the Board of Directors. Nothing herein contained shall be construed to preclude any Director from serving the Corporation as an officer or in any other capacity and receiving compensation therefore. The Directors shall serve as such without remuneration and no Director shall directly or indirectly receive any profit from his position as such; provided that a Director may be paid reasonable expenses incurred by him in the performance of his duties; and provided further that any Director who is engaged in or is a member of a firm engaged in any business or profession may act in and be paid the usual professional costs and charges for any professional business required to be done in connection with the administration of the affairs of the Corporation.

15. The Board of Directors may appoint such agents and engage such employees as it shall deem necessary from time to time and such persons shall have such authority and shall perform such duties as shall be prescribed by the Board of Directors at the time of such appointment.

16. The remuneration of all officers, agents and employees and committee members shall be fixed by the Board of Directors by resolution. Such resolution shall have force and effect only until the next meeting of members when such resolution shall be confirmed by resolution of the members, or in the absence of such confirmation by the members, then the remuneration of such officers, agent, or employees shall cease to be payable from the date of such meeting of members.

MEETINGS OF DIRECTORS

17. There shall be not less than three regular meetings of the Board of Directors, the first to be held after the annual meeting of the members, prior to departure from the Corporation convention. Subsequent meetings shall be held as prescribed by the Board and shall include a meeting preceding the annual meeting of the members at the Corporation convention. Notice of such meetings shall be given at least 30 days prior to such meeting.

18. Special meetings of the Board of Directors may be called by, or at the request of the President or any five Directors. The President shall designate the time and place

for any special meeting which has been duly called.

19. Notice of any special meeting shall be given by mail posted at least 14 days prior to such meeting. Such notice shall be deemed to be delivered when deposited in the Canadian mail so addressed with postage prepaid. Any Director may waive notice of any meeting. The attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called or convened. Only those items of business set forth in the notice of any special meeting may be conducted at said special meeting.

20. Whenever the vote of the Board of Directors at a meeting thereof is required to be taken in connection with any corporate action, the meeting of the Directors may be dispensed with and the corporate action may be carried forward if each Director consents in writing to a written vote on the action without a meeting of the Directors, and if a majority of the entire Board files with the Secretary, written votes in favor of the corporate action being taken.

INDEMNITIES TO DIRECTORS AND OTHERS

21. Every Director or officer of the Corporation or other person who has undertaken or is about to undertake any liability on behalf of the Corporation or any company controlled by it and their heirs, executors and administrators, and estate and effects, respectively shall from time to time and at all times be indemnified and saved harmless out of the funds of the Corporation, from and against:

- a. all cost, charges and expenses whatsoever which such Director, officer or other person sustains or incurs in or about any action, suit or proceedings which is brought, commenced or prosecuted against him, or in respect of any acts, deeds, matter or thing whatsoever made, done or permitted by him, in or about the execution of the duties of his office or in respect of any such liability;
- b. all other costs, charges and expenses which he sustains or incurs in or about or in relation to the affairs thereof, except such cost, charges, or expenses as are occasioned by his own willful neglect or default.

COMMITTEES

22. The Board of Directors may create an executive committee from its own members, which may exercise, to the extent permitted by law and not otherwise specifically provided in the Letters Patent of the Corporation or these By-laws, all or such part of the authority of the Board of Directors as may be provided by resolution of the Board of Directors. Any committee member may be removed by a majority vote of the Board of Directors.

23. The President, subject to the approval of the Board of Directors shall appoint the following standing committees, the members of which shall serve for one year, or until their successors are appointed and qualified:

- a. Nominations (Chaired by 1st VP);
- b. Legal/Legislation/Education;
- c. Communications;
- d. Membership;
- e. Financial Resources (Chaired by 1st VP);
- f. Dispute Resolution;
- g. Convention.

24. The President shall be ex-officio member of all committees. The President, with the approval of the Board of Directors may appoint such other committees and sub-committees, as he deems advisable.

25. Committees shall have such duties as their title indicate, as defined in Terms of Reference retained by the Committee Chair and the Secretary, and as the Board of Directors may assign. All actions of committees shall be subject to approval by the Board of Directors.

26. Committee meetings may be held at any time and place to be determined by the members of such committee, provided that seven days' notice of such meeting shall be sent in writing to each member of such committee. Members of such committee shall constitute a quorum. No error or omission in giving notice of any committee meeting or any adjourned committee meeting of the Corporation shall invalidate such meeting or make void any proceedings taken thereat and any member of such committee

may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings taken or had thereat.

27. **Dispute Resolution.** Upon receipt of a complaint alleging that a member has violated the Code of Ethics, By-laws or Letters Patent of the Corporation, the Chair of the Dispute Resolution Committee shall implement the provisions of the Corporation's dispute resolution process which shall typically include a written complaint in a format specified by the Corporation, a written response from the member, assisted resolution of the complaint between the two parties, and registration of the complaint in Corporate records. The Dispute Resolution committee shall thereafter make a written report to the Board of Directors concerning said complaint, including a recommendation to the Board of Directors stating whether there is a reason to believe that such member has engaged in conduct in violation of the Code of Ethics, Letters Patent or By-laws. A member auctioneer shall not escape the application of this process by resigning his/her membership or allowing that membership to lapse into unpaid status.

The Board of Directors shall thereafter review the complaint, response and recommendations of the Dispute Resolution committee and, if the Board of Directors determines that there is no reason to believe that a violation of the Code of Ethics, Letters Patent or By-laws has taken place, then said complaint shall be dismissed without hearing. If the Board of Directors believes a violation has occurred, they shall send such matter for hearing and invite the accused member, who may be represented by counsel, to attend such hearing.

28. In the conduct of the hearing, the parties may introduce such documentary evidence and present such testimony of witnesses, sworn by the President, as the Board of Directors shall reasonably deem relevant to the issues and both sides of the controversy shall be afforded the full opportunity to be heard. At the conclusion of the hearing, the Board of Directors, as soon as it is practicably possible, but not later than two weeks thereafter, shall consider the evidence and render a written opinion and decision. The Board of Directors may find the charges unfounded or may direct the reprimand, suspension or expulsion of any member found to have engaged in unethical conduct or violation of the Code of Ethics, Letters Patent or By-laws of the Corporation.

POWERS OF DIRECTORS

29. The Directors of the Corporation may administer affairs of the Corporation in all things and make or cause to be made for the Corporation, in its name, any kind of contract which the Corporation may lawfully enter into and, save as hereinafter provided, generally, may exercise all such other powers and do all such other acts and things as the Corporation is by its Letters Patent or otherwise authorized to exercise and do.

30. The Directors shall have power to authorize expenditures on behalf of the Corporation from time to time and may delegate by resolution to an officer or officers of the Corporation the right to employ and pay salaries to employees. The Directors shall have the power to make expenditures for the purpose of furthering the objects of the Corporation. The Directors shall have the power to enter in any trust arrangement with a trust company for the purpose of creating a trust fund in which the capital and interest may be made available for the benefit of promoting the interest of The Auctioneers Association of Ontario in accordance with such terms as the Board of Directors may prescribe.

31. The Board of Directors shall take such steps as they may deem are requisite to enable the Corporation to acquire, accept, solicit, or receive legacies, gifts, grants, settlements, bequests, endowments and donations of any kind whatsoever for the purpose of furthering the objects of the Corporation.

OFFICERS

32. The officers of the Corporation shall be a President, 1st Vice-President, 2nd Vice President, Past President, Secretary and Treasurer and any such other officers as the Board of Directors may by By-law determine. One person may fill more than one of the above offices.

33. The officers of the Corporation shall be appointed and approved by resolution of the Board of Directors from amongst their number, at the first regular meeting of the Board of Directors following each annual meeting of the members, in accordance with the succession guidelines described below.

34. Succession of Officers. The Board of Directors shall elect and appoint a Director to the appointment of 2nd Vice President,

which Director shall typically succeed to the appointment of 1st Vice President in the subsequent year, and to the appointment of President in the year following, thereafter to the appointment of Past President. The officers of the Corporation shall typically hold office for one year from the date of their appointment or until their successors are appointed in their stead.

The member filling the appointment of Past President shall be surplus to the normal complement of 12 elected Directors.

35. The Treasurer shall provide a surety bond in such amount as the Board of Directors may determine, the cost to be paid by the Corporation.

36. Vacancies among the officers of the Corporation shall be filled by a majority vote of a quorum of the Board of Directors and the officers so chosen shall serve the unexpired term of the office for which he has been appointed. Vacancies among the officers, other than the President and Treasurer, need not be filled if the Board of Directors does not deem it advisable to fill the vacancy for the remainder of the term.

DUTIES OF OFFICERS

37. All officers, except the Secretary/Treasurer, shall be Directors of the Corporation and they shall cease to be officers if they cease to be Directors or if they are removed by a majority of the Board of Directors.

38. The President of the Corporation shall preside at all meetings of the Corporation and of the Board of Directors. He shall have the general and active management of the affairs of the Corporation. He shall see that all orders and resolutions of the Board of Directors are carried into effect.

39. The 1st Vice-President is responsible to the President. He shall succeed the President, and in the absence or disability of the President, perform the duties and exercise the powers of the President. The 1st Vice President shall act as Chair of the Nominations committee and Chair of the Financial Resources committee. As Chair of the Financial Resources committee, he shall be responsible for preparation and presentation of the annual budget and the overall financial management for the Corporation, and shall perform such other duties as shall from time to time be

imposed upon him by the Board of Directors. The 2nd Vice President is responsible to the President. He shall succeed the 1st Vice President and shall be responsible for preparation and presentation of the annual business plan and the conduct of corporate administrative operations as assigned by the Board of Directors.

40. The Treasurer shall be responsible to the Board and report to the 1st Vice President. The Treasurer shall have the custody of the funds and securities of the Corporation and shall keep full and accurate account of all assets, liabilities, receipts and disbursements of the Corporation in the books belonging to the Corporation and shall deposit all monies, securities and other valuable effects in the name and to the credit of the Corporation, in such chartered bank or trust company, or, in the case of securities, in such registered dealer in securities as may be designated by the Board of Directors from time to time.

He shall disburse the funds of the Corporation as may be directed by proper authority taking proper vouchers for such disbursements, and shall render to the President and Directors at the regular meeting of the Board of Directors, or whenever they may require it, an accounting of all transactions and a statement of the financial position, of the Corporation. He shall also perform such other duties as may from time to time be directed by the Board of Directors.

41. The Secretary shall be responsible to the Board and shall support the President's role as presiding officer and chair of meetings. The Secretary shall attend all meetings and act as a clerk thereof and record all votes and minutes of all proceedings in the books to be kept for that purpose. He shall give or cause to be given notice of all meetings of the members and of the Board of Directors, and shall perform such other duties as may be prescribed by the Board of Directors. The Secretary shall work closely with the 2nd Vice President in the conduct of the Corporation's administrative operations. He shall be custodian of the seal of the Corporation, which he shall deliver only when authorized by resolution of the Board of Directors to do so, and to such person or persons as may be named in the resolution.

42. The duties of all other officers of the Corporation shall be as called for in their Terms of Reference and/or as the Board of Directors require of them.

EXECUTION OF DOCUMENTS

43. Contracts, documents or any instruments in writing requiring the signature of the Corporation shall be signed by any two officers and all contracts, documents and instruments in writing so signed shall be binding upon the Corporation without any further authorization or formality. The Directors shall have power from time to time by resolution to appoint an officer or officers on behalf of the Corporation to sign specific contracts, documents and instruments in writing. The Directors may give the Corporation's power of attorney to any registered dealer in securities for the purposes of the transferring of and dealing with any stocks, bonds, and other securities of the Corporation. The seal of the Corporation, when required, may be affixed to contracts, documents and instruments in writing signed as aforesaid or by any officer or officers appointed by resolution of the Board of Directors.

MEETINGS

44. The annual or any other general meeting or special meeting of the members shall be held at the head office of the Corporation or at any other place as the Board of Directors may determine on such day as the said Directors shall appoint.

45. At every annual meeting, in addition to any other business that may be transacted, the report of the Directors, the business plan, the budget forecast, the financial statement and the report of the auditors shall be presented and any Board of Directors elected and auditors appointed for the ensuing year. The Board of Directors or the President shall have the power to call, at any time, a general meeting of the members of the Corporation.

46. Special meetings for the members for any purpose or purposes shall also be called by the President at the written request of 10% or more of the members of the Corporation. Only those items specified in the request for a special meeting and approved by the Board of Directors may be considered at such special meeting.

47. Written or printed notice, stating the place, day and hour of the meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be mailed to each voting member of the Corporation, or published in a publication designated by these By-laws as an official

publication of the Corporation, not less than 30 nor more than 60 days before the date of the meeting. Such notice shall be deemed to be delivered when deposited in the Canadian mail, addressed to the member at his address as it appears on the books of the Corporation, with postage thereon prepaid.

48. Those individual members present shall constitute a quorum for the transaction of business at any meeting of the members. A majority of the members present may adjourn the meeting to a subsequent time, without further notice. A meeting of members at which a quorum is present, may be adjourned by vote of a majority of the members, without further notice. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting as originally notified.

49. No error or omission in giving notice of any annual or general or special meeting of the members of the Corporation shall invalidate such meeting or make void any proceedings taken thereat and any member may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings taken or had thereat.

MINUTES OF BOARDS OF DIRECTORS AND COMMITTEES

50. The minutes of the Board of Directors or committee minutes shall not be available to the general membership of the Corporation but shall be available to the Board of Directors, each of whom shall receive a copy of such minutes.

VOTING OF MEMBERS

51. At all meetings of members of the Corporation, every question shall be determined by a majority of votes unless otherwise specifically provided by statute or by these By-laws.

52. Individual members shall be entitled to vote in all meetings of members. Honorary members shall not be entitled to vote.

53. Votes may be given either personally or by proxy.

54. The instrument appointing a proxy shall be in writing in any effectual form under the hand of the appointer or of his attorney duly authorized in writing, and need not be attested. A person may be appointed a proxy although not a member of the Corporation.

55. No instrument appointing a proxy is valid upon the termination, resignation or suspension of any member, nor shall the instrument appointing a proxy be valid after the expiration of three months from the date of its execution.

56. The instrument appointing a proxy shall be deposited at the head office of the Corporation or such other place as may be specified in the notice of the annual, general or special meeting, or at the meeting with the Secretary before the time for holding the meeting at which the person named in the instrument proposes to vote. In default of such deposit the instrument of proxy is not valid.

FINANCIAL YEAR

57. Unless otherwise ordered by the Board of Directors the fiscal year of the Corporation shall end on December 31st of each year hereafter.

AMENDMENT OF BY-LAWS

58. The bylaws of the Corporation may be repealed or amended by By-law enacted by a majority of the Directors at a meeting of the Board of Directors and sanctioned by an affirmative vote of at least two-thirds of the members at a meeting duly called for the purpose of considering the said by-law.

AUDITORS

59. The members shall at each annual meeting appoint an auditor to audit the accounts of the Corporation to hold office until the next annual meeting provided that the Directors may fill any casual vacancy in the office of the auditor. The remuneration of the auditor shall be fixed by the Board of Directors.

BOOKS AND RECORDS

60. The Directors shall see that all necessary books and records of the Corporation required by the By-laws of the Corporation or by any applicable statute or law, are regularly and properly kept, and that minutes of members meetings and Directors meetings shall be copied in standard form and bound into a proper minute book kept for this purpose.

CODE OF ETHICS

61. The Board of Directors shall adopt, and may amend

from time to time, a Code of Ethics which shall be binding upon each member of the Corporation.

OFFICIAL PUBLICATION

62. The official publication of the Corporation shall be a magazine bearing the name “THE ONTARIO AUCTIONEER”, which shall be published from time to time as the Board of Directors may approve.

RULES AND REGULATIONS

63. The Board of Directors may prescribe such rules and regulations not inconsistent with these By-laws relating to the management and operation of the Corporation as they deem expedient, provided that such rules and regulations shall have force and effect only until the next annual meeting of the members of the Corporation when they shall be confirmed, and failing such confirmation at such annual meeting of members shall at and from that time cease to have any force and effect. The Board of Directors may further prescribe and amend Terms of Reference for Officers and committee Chairs as they see fit, providing they are not inconsistent with these By-laws.

INTERPRETATION

64. In these By-laws and in all other By-laws of the Corporation hereafter passed unless the context otherwise requires, words importing the singular number or the masculine gender shall include the plural number or the feminine gender as the case may be, and vice versa.

65. All books and records, and all notices and any other instrument required to be in writing under these By-laws or their amendments, shall be required to be kept and recorded in the English language.

Approved by AAO Board of Directors

Peterborough, Ontario

February 17th, 2000

Amended by AAO Board of Directors

Mississauga, Ontario

Annual General Meeting

February 17th, 2002

Amended by AAO Board of Directors

Owen Sound, Ontario

Annual General Meeting

February 22, 2008

Amended by AAO Board of Directors

Milton, Ontario

Annual General Meeting

February 17th, 2012

CODE OF ETHICS of the AUCTIONEERS ASSOCIATION OF ONTARIO

PREAMBLE

The public auction subjects all possessions to equitable public appraisal and competitive offer and thereby determines fair and current value of all personal goods and estates. The Auctioneer is the master of procedure and conduct of the public auction. The Auctioneer is a confidante of the public, balancing the needs of both Sellers and Buyers; this is a grave responsibility and duty, reaching beyond ordinary business policy, to which the Auctioneer must dedicate himself herself, striving to maintain the highest professional standards.

The Auctioneer shares a common responsibility for Integrity and Honour of the Auctioneer profession with members and non-members alike. Accepting the Golden Rule as his/her standard, the Auctioneer pledges to observe the Laws of the Land in all dealings, and to conduct business in accordance with this Code of Ethics. No special conditions, real or assumed, or inducements or directions from anyone relieve the Auctioneer from the responsibility to strictly observe the Code of Ethics of the Auctioneers Association of Ontario.

PART 1 - PROFESSIONAL RELATIONSHIPS

Article 1. In the best interest of the public, the Auctioneer profession, and his/her own business, the Auctioneer should be loyal to the Auctioneers Association of Ontario and active in its works, willingly sharing the lessons of his/her experience with fellow Auctioneers.

Article 2. The Auctioneer should so conduct business as to avoid disputes with fellow Auctioneers. In the event of a dispute between two Auctioneers who are members of the Auctioneers Association of Ontario, they should not resort to a lawsuit, but should submit their difference to arbitration by the Auctioneers Association of Ontario, and the decision of such arbitration should be accepted as final and binding. If the dispute should be with a non-member, the Auctioneer should offer the services of this Board to arbitrate.

Article 3. Where the Auctioneer is charged with unethical practice or is asked to present evidence of such unethical practice, he/she shall promptly place all the pertinent facts before the Board for investigation and report.

Article 4. The Auctioneer shall not publicly criticize a competitor's business practice or transaction; where an opinion is especially requested and the Auctioneer deems it appropriate to respond, it shall be rendered in conformity with strict professional courtesy and dignity.

Article 5. The Auctioneer should not solicit the services of an employee of a fellow Auctioneer without prior notice to the other Auctioneer.

PART II - RELATIONSHIP TO CLIENTS

Article 6. The Auctioneer is expected to provide the highest level of competent service in those fields in which the Auctioneer customarily engages. In justice of those who place their interests in his/her hands, the Auctioneer shall keep informed of matters affecting the auction profession, of business conditions, and of matters of law and proposed legislation affecting such interests, so as to give intelligent business advice and effective service.

Article 7. In accepting an assignment for sale of real or personal property, the Auctioneer pledges to protect and promote the interests of his/her client. This obligation of responsibility to the Seller is primary, but does not relieve the Auctioneer of responsibility to treat fairly all parties to the transaction. The Auctioneer shall not undertake an assignment in which he/she has a direct or indirect interest, without full disclosure of such interest to the client, and other affected parties.

Article 8. When consulted for an appraisal of value or liquidation problem, the Auctioneer shall give a well considered opinion, reflecting expert knowledge and sound judgment, taking requisite time for study, inquiry and deliberation. The Auctioneer's counsel represents a professional service which should be rendered in writing and for which he/she should make a reasonable charge. The Auctioneer shall not undertake to give an appraisal or offer an opinion on any proposition in which he/she has a direct or even indirect interest, without full disclosure of such interest to the client, and other affected parties.

Article 9. Before accepting assignment of a sale, it is the duty of the Auctioneer to seek out and understand the motivation, objective(s) and interest(s) of the Seller, and thereupon to advise the Seller intelligently and honestly regarding the likelihood of achieving those expectations.

PART III - RELATIONSHIP TO THE PUBLIC

Article 10. It is the duty of the Auctioneer to protect the public against fraud, misrepresentation or unethical practices in connection with the sale, disposal or liquidation of any real or personal property the Auctioneer is called upon to dispose of at public auction.

Article 11. The Auctioneer shall be careful at all times to present a true picture in advertising and representations to the public. It is the duty of the Auctioneer to ascertain all pertinent facts concerning every sale for which he/she is engaged to avoid error, exaggeration and misrepresentation.

Article 12. The Auctioneer is the confidential trustee of the information given by the Seller or otherwise gained by him through the Seller/Auctioneer relationship. The Auctioneer must never disclose the gross receipts of a sale or any other information that would tend to be a violation of the Seller's right to privacy, without the consent of the Seller and/or being in receipt of legally constituted instructions to release that information.

Article 13. For the protection of all parties, the Auctioneer shall ensure that financial obligations and commitments regarding auction transactions are fully understood and agreed by the Seller. Where appropriate, the Auctioneer shall commit the exact agreement in writing, furnishing a copy to each party.

OPERATIONS

Membership

1. Conditions and terms governing membership in the AAO are as shown at Articles 2 through 8 of the By-laws. Applications for membership are received by the Executive Director and presented to the Board by the Chair of the Membership Committee. Amongst the pre-requisites for new members are references from a current member in good standing of the AAO plus other references from professionals who have knowledge of the applicant's good character and standing in the community.

Benefits of Membership

Benefits of AAO members in good standing include:

Use of the AAO logo for business stationary, documents, promotional and advertising material. A leg up with customers who will view your membership as a sign of trust and professionalism.

- Discounted merchant service credit card and debit card rates
- Free internet listings for auction calendar items and free webpage on AAO website, www.auctioneersassociation.com
- One stop competitive rate commercial insurance of various types offered by Purves-Redmond
- Free listing on the AAO website auctioneers directory
- Subscription to the AAO newsletter, *The Ontario Auctioneer*, published 4 times yearly, to keep you in tune with the auction industry
- Information on the changing face of the auction industry, what works and what doesn't, new technology, legislative issues, etc.
- Consolidated representation to governments, the public and other industries
- Educational programs, seminars and accreditation for professional development
- Networking of ideas and solutions with your peers
- Attendance and voting at the AGM – a voice in the conduct of affairs
- Fun and fellowship
- Dispute resolution

Meetings

2. Meetings of the Board are conducted in accordance with Articles 18 through 21 of the By-laws. Annual General Meetings are conducted in accordance with Articles 45 through 50 of the By-laws. Voting procedures are conducted in accordance with Articles 52 through 57 of the By-laws. The conduct of Board and Annual General Meetings is in accordance with parliamentary procedure outlined in Robert's Rules of Order.

Committees

3a. Legal, Legislation & Education Committee. The purpose of this committee is to maintain an awareness of legal and legislative issues that could impact on the auction industry in Ontario and to organize AAO response to those issues, including communication to the membership. This committee is also responsible for coordination of educational programs sponsored by the AAO, primarily through the auspices of the educational seminars conducted at the annual convention. For this purpose, the committee works closely with the Convention Committee to coordinate speakers, lecturers and membership certification.

Auction law in the Province of Ontario is not contained in a single act. The Ministry of Small Business and Consumer Services is the office of primary interest for auction law and the auction industry. The Consumer Protection Act contains legislative and regulatory components governing auctioneers and their business activities. Other legislation pertinent to the auction industry in Ontario is contained in the Real Estate and Business Brokers Act (auctioning real estate), the Motor Vehicle Dealers Act (auctioning motor vehicles), the Retail Sales Tax Act (PST issues) and the Municipal Act (licensing and permits). At the federal level, two main areas that impact on auctioneers are income tax and GST (Canada Customs and Revenue Agency) and foreign auctioneer (Human Resources & Development Canada/ Immigration Canada). A good guide to the principles of auction law may be found in the NAA's "Waiting for the Hammer to Fall – A General Overview of Auction Law", written by Kurt R. Bachman

The AAO's LLE Committee does not directly sponsor auctioneer education programs, preferring to remain in a supportive role. To this end, an attempt is made to make member auctioneers aware of educational and professional development opportunities in Ontario, throughout Canada and in the United States. In 2003, the AAO established the Past President's Annual Educational Bursary for AAO members. Applications for this bursary and inquiries regarding other educational opportunities

can be obtained through the AAO. This Bursary was renamed the Ruth Hart-Stephens Educational Bursary in 2008. Auctioneers may also obtain additional professional development information from the Auctioneers Association of Canada, the National Auctioneers Association (USA) and the Auction Marketing Institute (USA).

3b. Communications Committee. The purpose of this committee is to ensure efficient communications internally and externally to the AAO. A strategic communications plan has been developed that identifies the target(s) and message(s) for each aspect of AAO communications. From this plan, themes and methods of communication have been created, including the AAO newsletter “The Ontario Auctioneer”, the AAO website, the AGM, the AAO Business Plan, this handbook etc. Other aspects of communications are also considered, such as AAO involvement at public events such as the Royal Winter Fair and International Plowing Match. Sub-committees are typically created to deal with each communications theme/objective.

- The Ontario Auctioneer Newsletter. This newsletter is published four (4) times yearly for distribution to all members in good standing. Advertising is sold to help defray the costs of composition and publication. Contributions are welcome from all member and non-member auctioneers.

- The AAO Website - www.auctioneersassociation.com

The website launched in 2000 with a view to promoting the AAO and the auction industry, on line. The site includes the following functions: biography and contact information for the Board of Directors; member auctioneer locator service; AAO articles and history; ethics; and, AAO members’ only section. AAO members in good standing may post their auctions to the calendar for free.

3c. Membership Committee. The purpose of this committee is to develop and implement membership retention and recruiting programs. This committee receives applications for membership and makes recommendations to the Board for acceptance or denial of membership status. This committee also receives and reviews suggestions for the membership benefit program.

3d. Finance Committee. The purpose of this committee is to ensure the orderly accounting, allocation and dispensation of AAO revenues. The finance committee oversees the activities of the Executive Director as they relate to financial administration of the Corporation. This committee is chaired by the 1st VP, who has responsibility for preparation of the budget for the upcoming fiscal year. This budget is presented to the membership for approval at the AGM.

3e. Dispute Resolution. The AAO seeks to promote ethical auction practices by individual members and the membership-at-large in Ontario; as part of this responsibility, the AAO handles complaints by consumers against auctioneers, and disputes between auctioneers. The AAO By-laws (Articles 24, 28 and 29 apply) stipulate that the AAO form a Dispute Resolution Committee perform this function. The dispute resolution process is based upon the following principles of dispute resolution:

1. fairness to all parties involved;
2. clearly defined process to build confidence;
3. timely response;
4. sensitivity to consumer protection;
5. responsible handling of information; and
6. disciplined application of the process.

The AAO's authority to perform dispute resolution and mediation resides in its Code of Ethics, Statement of Purpose and positive use of peer pressure. Voluntary codes and guidelines address the needs of consumers, individual auctioneers, the AAO and the auction industry at large. In the worst case, the AAO would cooperate with the Ministry of Small Business and Consumer Services and law enforcement authorities to resolve disputes of significant gravity. On the positive side, auctioneer compliance with a voluntary code can be used to prove that due diligence was exercised.

The AAO will attempt to execute the dispute resolution function on behalf of all auctioneers in the province, regardless of their membership status in the AAO, consistent with its Statement of Purpose. The public process is as follows:

1. consumers must file a written submission using a form provided to the public on request. Auctioneers may obtain a copy of the form by contacting the Executive Director of the AAO;
2. upon receiving the submission, inform the complainant of the AAO process and encourage the complainant, as a first resort, to resolve the dispute directly with the Auctioneer/respondent;
3. if direct resolution is not possible, facilitate full documentation of the dispute and ascertain how the complainant would like the dispute resolved. The AAO then contacts the respondent directly with that information;
4. request that the Auctioneer/respondent provide a written response within 14 days;
5. once information has been received from both parties, work towards an agreement that addresses the rights and obligations of both parties and which is acceptable to both;
6. if the AAO is unable to assist in the resolution of the dispute, direct the complainant to other organizations that may assist Ministry of Small Business and Consumer Services, municipal government, etc.).

All correspondence relating to grievances, complaints and disputes is to be read into the minutes of BoD meetings and noted as “received for information and passed to the appropriate committee for action”. This serves as the official record of receipt and commencement of action by the AAO. The Dispute Resolution Committee shall maintain a current register of all complaints and disputes received, showing the current status of each file.

The Dispute Resolution Committee consists of not less than three persons, chaired by a Director (the Secretary Treasurer may assist in recording and documentation tasks). The other members may or may not be Directors; regardless, they should be carefully selected based upon their experience, skills, characteristics and objectivity. It is essential that the Dispute Resolution Committee work at arms-length from the BoD until

such time as a complaint or grievance is ready for BoD input. At that time, the file and recommendation(s) shall be presented to the BoD for a decision. As an ex-officio member, the President maintains executive oversight of the Dispute Resolution Committee's work.

3f. Nominations. The role of the Nominations Committee is to ensure that a sufficient number of qualified nominees stand for and are elected to the BoD, so that the base of experience for leadership positions is broadened and continuity of leadership is improved. Candidates for the position of Director are typically contacted by the Committee several months prior to the AGM. This Committee is Chaired by the 1st VP, who is responsible for the conduct of the election of Directors at the AGM, including opening the floor to additional nominations by the membership.

3g. Convention & Competition Committee. The role of this committee is to develop and execute the plan for the annual convention of the AAO. This function includes site selection, budgeting, sponsorship, program development and competition. Typically, a sub-committee is formed to deal with matters strictly related to the auctioneer competition.

HISTORY OF THE AUCTIONEERS ASSOCIATION OF ONTARIO & THE AUCTION INDUSTRY

1. The first organizing meeting of the people who would become the Charter Members and the first Directors of the Association, was held at the Fort Garry Hotel in Winnipeg, Manitoba, during the Annual General Meeting of the Auctioneers Association of Canada, on February 11, 1984.
2. The original name of the Association was the Professional Auctioneers Association of Ontario. It was officially changed to the Auctioneers Association of Ontario (AAO), on June 21, 1988.

**Charter
Members and
First Directors**

3. The Charter Members and first Directors of the AAO were:

Mr. Les Brittan	Hastings, ON
Mr. Gerald Cryderman	Thamesville, ON
Mr. Hugh Filson	Denfield, ON
Ms. Alicia Gordon	Kingston, ON
Mr. Barry Gordon	Kingston, ON
Mr. Barry Gray	Harriston, ON
Mr. Richard Lobb	Clinton, ON
Mr. Pat Lyon	Grand Bend, ON
Mr. Raymond Pease	Leamington, ON
Mr. Harry Riley	Niagara Falls, ON
Mr. Frank Stapleton	Newtonville, ON

**Presidents
of the AAO**

4. The following persons have served as President:

1984	Frank Stapleton (Founding President)
1985	Frank Stapleton
1986	Gerald Cryderman
1987	Hugh Filson
1988	Richard Lobb
1989	Barry Gray
1990	Ed Gardhouse
1991	Glen Murray
1992	Glen Murray
1993	Gary Hill
1994	Gary Hill
1995	Ross McLean
1996	Joe Zehr
1997	Joe Zehr
1998	Joe Zehr
1999	Sherwood Hume
2000	Jim Snider
2001	Pat McDonough
2002	Manson Slik
2003	Dan Bailey
2004	David Beasley
2005	Brent Shackleton
2006	Barb Richards
2007	Jim Snider
2008	Krista Richards
2009	Len Metcalfe
2010	Ken Sheward
2011	Fraser Williamson
2012	Rick Rittenhouse
2013	David Jacob
2014	Michael “Hoss” Bertrand
2015	Francis Fripp
2016	Francis Fripp
2017	Gerald Bowman
2018	Jason McIntosh
2019	Jon Wilson

**Secretary/Treasurer
of the AAO**

5. The following persons have served as Secretary/Treasurer:

1984-1985	Ms. Alicia Gordon
1986-1996	Ms. Joyce Norris
1996-1997	Ms. Judy Snowden
1997-2001	Mr. Bob Campbell
2001-2006	Ms. Judie McLaughlin
2006 to present	Mr. Ken McGregor

Convention Venues 6. The Annual General Meeting of the AAO is typically conducted during an annual convention. Past venues have included:

1984	Formation year – no convention	
1985	London	1986 Kingston
1987	Brampton	1988 Kitchener
1989	Kitchener	1990 Kitchener
1991	Nottawasaga	1992 Nottawasaga
1993	Oshawa	1994 Oshawa
1995	Markham	1996 Oshawa
1997	Stratford	1998 Stratford
1999	Stratford	2000 Peterborough
2001	Mississauga	2002 Mississauga
2003	Kingston	2004 Niagara Falls
2005	Mississauga	2006 Mississauga
2007	Stratford	2008 Owen Sound
2009	London	2010 Cambridge
2011	Grimsby	2012 Milton
2013	Jordan	2014 Stratford
2015	Richmond Hill	2016 Guelph
2017	Cobourg,	2018 Kitchener
2019	Peterborough	

Ontario Auctioneers Competition

7. Every year at the Annual Convention an auctioneer’s competition is conducted. The competition is split into an Experienced Division and a Novice Division and is open to member and non-member auctioneers who are residents of Ontario. The competition format includes an opening round where all competitors perform, from which the top five (5) auctioneers in each Division are selected to perform in a second round. Where necessary, a third round may be performed if there is a tie. Typically, five (5) judges are selected by the Competition Committee, one of whom is the previous year’s Experienced Division Champion. Competitors are scored in categories including: Presentation; Selling Skills; Chant; and, Employability. Both championship divisions have a first runner-up award.

Ontario Auctioneer Competition Champions – Experienced Division. The Experienced Division competition is open to auctioneers who are residents of Ontario and have more than two (2) years of auction experience. The Woodbridge Advertiser - Ontario’s Weekly Auction Newspaper, is the sponsor of the Champion’s gold ring. The Ontario Farmer newspaper is the sponsor of the championship trophy. Runners-up trophies are sponsored by AAO.

CHAMPIONS

1984 Foundation year – no competition	1985
1986	1987 Robert Beer, Ancaster, ON
1988 Jim McCartney, Waterdown, ON	1989 Don Reinhart, Brampton, ON
1990 Glen Murray, Woodstock, ON	1991 Steve Timewell, St.Thomas, ON
1992 Hardy Shore, Glanworth, ON	1993 Scott Reinhart, Brampton, ON
1994 Glen Sinclair, Flesherton, ON	1995 Phil Faulkner, Uxbridge, ON
1996 Len Metcalfe, Mildmay, ON	1997 Doug Jacob, Stratford, ON
1998 Doug Gilmore, Listowel, ON	1999 Vernon Bailey, Thessalon, ON
2000 Jan VanKlaveren, Brigiden, ON	2001 Mike Kelso, Woodstock, ON
2002 Mike McLeod, St.George, ON	2003 Mike Shackelton, Springfield, ON
2004 Jake Kikkert, Wingham, ON	2005 Dan Clark, Brampton, ON
2006 Luke Pasmore, St.Catherines, ON	2007 Theresa Taylor, S. Lancaster, ON
2008 Steve Snider, Owen Sound, ON	2009 David Jacob, Mitchell, ON
2010 Gary Jantzi, Wellesley, ON	2011 Nello Romagnoli, Smithville, ON
2012 Brian Riddell, Hamilton, ON	2013 Ed Shafer, Winona, ON
2014 Brad Snider, Odessa, ON	2015 Calvin Kuepfer, Newton, ON
2016 Frederick Bodnarus, Saskatoon, SK	2017 Chad Simmons, Finch, ON
2018 Ab Carroll, Omemee, ON	2019 Randy Horst, Elmira, ON

Ontario Auctioneer Competition Champions – Novice Division. The Novice Division competition is open to auctioneers who reside in Ontario and have less than two (2) years of auction experience. The South Western School of Auctioneering is the sponsor for the Novice Championship trophy. ADESA Canada is the sponsor of the trophies for runners-up in this division.

CHAMPIONS

1984 Foundation year – no competition	1985-87 ???
1988 Scott Reinhart, Brampton, ON	1989 Frank Burns
1990 David Beasley, Aurora, ON	1991 B. Cohen
1992 Rhonda Smith,	1993 Tony Chaffe, Belgrave, ON
1994 Nello Romagnoli, Smithville, ON	1995 Gary Jones
1996 Steven Parr, Paris, ON	1997 Phil McCrystal, Oshawa, ON
1998 Roger McKay, St. Mary's ON	1999 Shaun LaLonde, Cumberland, ON
2000 Jerry Ruth, Hepworth, ON	2001 Don Thompson, Georgetown ON
2002 Brent Shackleton, Stratford, ON	2003 David Jacob, Stratford, ON
2004 Steve Snider, Owen Sound, ON	2005 Shawn Gannaw, Lefroy, ON
2006 Jamie O'Shea, Granton, ON	2007 Greg Wheeler, Brussels, ON
2008 Stephen Harris, Warton, ON	2009 Jonathon Wilson, Mossley, ON
2010 Greg Kuepfer, New Hamburg, ON	2011 John Lewis, Brampton, ON
2012 Troy Jackson, Oshawa, ON	2013 Jennifer Cianciolo, Mt. Pleasant, ON
2014 Jacob Wagler, Tillsongburg, ON	2015 Michael Peever, Desbarats, ON
2016 Ryan Kueper, Millbank, ON	2017 Landon Smith, Milverton, ON
2018 Randy Horst, Elmira, ON	2019 Shelly Segovia, Oshawa, ON

Ontario Auctioneer Team Competition Champions
(Auctioneer and Ringman) sponsored by North Toronto Auctions
2019 - David Jacob, Mitchell, ON and Brad Snider, Odesa, ON

General History

The process of selling by auction has an ancient history. The **Auction** Romans are believed to have coined the word “auction” from the Latin word “auctio”, meaning to increase, and from the Greek word “augre”, meaning to augment or to increase. The Greek historian and writer Herodotos, (b. 484 BC?, d. 430-420 BC?), the father of history, describes in his book titled, “HISTORY”, in 5th century Babylon, what we would today know as an auction. The Romans also get credit for holding the world’s most extravagant auction of ancient times. Following the assassination of the Emperor Pertinax, (b. 126 AD, d. 193 AD), by his own Praetorian Guard, the Guard assumed control of Rome and decided to auction off the empire, which in those days extended from Syria in the East to the British Isles in the West. This was no small lot.

The English King, Henry VII, (b.1457, d. 1509), instituted some of the earliest laws governing auction sales including the licensing of auctioneers. In 1676, less than fifty years after the colony of New York was founded, there was a “Vendee Master” whose duty it was to supervise the conduct of sales and auctioneers. Vendee is a French word referring to the buying party in a sale of property.

The Canadian artist Paul Kane, (b. 1810, d. 1871), mentioned in the book, (“Wanderings of an Artist Amongst the Indians of North America”, c.1859), about Auctions near Fort York in Toronto. In the legislation that made Canada a country, the British North America Act, Article VI 92, 9, auctioneers are specifically mentioned. Auctions of commodities and raw materials such as fish, furs, tobacco and timber have been a common way of selling these and other items for many centuries in the large port cities of Europe and North America.

Different Property(ies) Sold at Auction

Some of the different kinds of property(ies) sold by auction include, antiques, art, bankruptcy stock, business equipment, construction at equipment, estates, farms, flowers, end of line stock, animal hides, government surplus, industrial equipment, intellectual property, jewelry, livestock, lost or found property, military surplus, rare books, tobacco, vehicles, really just about anything with a resale value.

Different Styles of Auctions a. North American - the most common form of auction in North America is where participants keep raising their bids until only one bidder is left;

b. Dutch - in the Dutch style, the auctioneer begins at a high price and then descends by steps until a bidder indicates their intention to buy at that price;

c. Selling by the Inch – this is an old version of selling by auction. A pin was inserted through a candle one inch from the top, and when the candle had burned away and the pin fell to the table, the bid that was made when the pin fell free would be the buyer; and,

d. English – in this method the auctioneer speaks very deliberately, each word is quite separate and distinct, the pace of the auctioneer is noticeably slower than that of the North American auctioneer, but just as effective. This method is often seen in television dramas when art, jewelry and antiques are being sold.

Note: The Auctioneers Association of Ontario is always interested in any different styles of auctioning and would be grateful for any material not listed here.

REFERENCE

Glossary of Auction Terms 1. The primary sources for this glossary are the Auctioneers Association of Canada and the National Auctioneers Association (USA). Also, the Globe and Mail, April 20, 2001, Section C, Special interest supplement, “Auction Action”. The following are terms often associated with auctions. These terms and their accompanying definitions are intended as a guide and are not presented as legally correct.

Absentee Bid – A procedure that allows a bidder to participate in the bidding without being physically present. Absentee bids are usually handled under an established set of guidelines by the auctioneer or their representative.

Absentee Bidder - A person or group of qualified bidders who are unable to attend the auction, and have provided a bid of the highest amount that they will pay for a particular property, subject to the guidelines of the respective auction regarding “absentee bids”.

Absolute Auction - An auction where the property is sold to the highest qualified bidder with no limiting conditions or amount. The seller may not bid personally or through an agent. See auction without reserve.

Accounting of Sale - A report issued by the auctioneer to the seller detailing the financial results of the auction.

Agent - A person(s) authorized to act for another person(s).

Appraisal - The process of estimating the value of a property(ies). Some auctioneers provide appraisal services for property(ies) not being sold. These services are usually for the updating of value records, insurance, refinancing, business sale or transfer, and divorce.

Apprentice Auctioneer - An auctioneer in training under the supervision of an experienced or licensed auctioneer.

As-Is - The sale of property(ies) without warranty as to its condition and/or fitness for a particular purpose. The buyer is solely responsible for examining and judging the property(ies) for their own information and satisfaction. Also known as, as-is where-is, and in its present condition.

Auction - A method of selling property in a public forum through open and competitive bidding. This process is also referred to as, public auction, auction sale, or sale.

Auction Block - The podium, or raised platform, where the auctioneer sits or stands while conducting the auction. Placing a property(ies) “on the auction block”, means to sell something at auction.”

Auction Broker - An arrangement for a third party broker to register potential bidders, for property(ies) being sold by auction, for a commission paid by the owner of the property(ies), or by the auction firm. Also known as broker participation.

Auction Clerk - The person responsible for recording the amount of the high bid and the bidder number, of the high bidder, on each property sold in the auction. Also known as the bookkeeper.

Auction Listing Agreement - A contract executed by the auctioneer and the seller, authorizing the auctioneer to conduct the auction, establish the terms of the agreement, and the rights and responsibilities of each party.

Auction Marketing - The method of marketing the sale of property(ies) by the auction method.

Auction Plan - The plan followed for pre-auction, auction day and post auction activities.

Auction Price - The price paid for a property sold through the auction method of marketing. Also known as auction value.

Auction Sale - A method of selling property in a public forum through open and competitive bidding. This process is also referred to as, auction, public auction, and sale.

Auction Subject To Confirmation - See auction with reserve or a reserve auction.

Auction Value - The price of a property(ies) obtained by the auction method of selling.

Auction With Reserve - An auction where the seller or his agent reserves the right to establish a reserve price to accept or decline any and all bids. A minimum acceptable price may or may not be disclosed and the seller reserves the right to

accept or decline any bid within a specified time. Also known as an auction subject to confirmation or a reserve auction.

Auction Without Reserve - An auction where the property(ies) is sold to the highest qualified bidder without reserve bids, and where the seller is not permitted to bid personally or through an agent. Also known as absolute auction.

Auctioneer - The person or firm whom the seller engages to direct, conduct or be responsible for a sale by auction. This person may or may not actually call or cry any part or the entire auction.

Auctioneer Subcontractor - An auctioneer hired by the principle auctioneer.

Authenticity Guarantee - Some auction companies will guarantee the correctness of their description of a particular item.

Authorship - The identification of the date, era, culture and source of the origin of a property(ies).

Ballroom Auction - An auction of one or more properties conducted in a meeting room facility.

Bank Letter of Credit - A letter from a bank confirming that a named person is worthy of a given level of credit. Usually requested from prospective bidders or buyers who are not paying in full or who make application for credit.

Bid - A prospective buyer's indicating or offer of a price he or she will pay to purchase the property at auction. Bids are usually in increments established by the auctioneer.

Bid/Bidder Acknowledgement - Written confirmation of the identity of the high bidder, the bid price and description of the property.

Bid Assistants - Individuals stationed throughout the attendees at an auction to assist the auctioneer, as bid spotters, and to assist prospective bidders with information. Also known as bid consultant, bid spotters, groundsmen or ringmen.

Bid Caller - The person who actually “calls, cries or auctions” the property(ies) at an auction. Also known as the auctioneer.

Bid Consultant - Individuals stationed throughout the attendees at an auction to assist the auctioneer, as bid spotters, and to assist prospective bidders with information. Also known as bid assistant, bid spotter, groundsmen or ringmen.

Bid Early - Qualified Bidders interested in buying a particular property are encouraged to start bidding on the property as soon as the Auctioneer calls for bids. Bidding early lets the Auctioneer know that the bidder is interested. Waiting until the property is nearly sold before bidding creates the possibility of a bid not being seen before the auctioneer calls sold.

Bid Rigging – A criminal offence where two or more people agree not to bid against each other in order to deflate the value of the property(ies). Also known as collusion.

Bid Spotter - Individuals stationed throughout the attendees at an auction to assist the auctioneer, as bid spotters, and to assist prospective bidders with information. Also known as bid assistant, bid consultant, or groundsmen or ringmen.

Bidder - The person(s) who bids to buy the property(ies) being offered at auction.

Bidder Acknowledgement - A document signed by the successful bidder, immediately after the bidder is acknowledged by the auctioneer as the high bidder and the buyer of the property(ies) sold. Also known as broker acknowledgement and the memorandum.

Bidder Number - The number assigned to each bidder when they register as a bidder for the sale. When bidding, the bidders are asked to hold their bidders card high enough so that the auctioneer can see their bidder's number without having to ask for it.

Bidder Package - A package providing a variety of information about the auction. Frequently contains the terms and conditions.

Bidder's Choice - The auction method where the right to select a property from a grouping of properties goes to the successful high bidder. When the choice of the high bidder is withdrawn the other bidders may be offered their choice of the remaining properties at the same price as paid by the high bidder. Otherwise the remaining

items are again auctioned with the new high bidder having the right to select the property that they want from the grouping. The process continues until all of the items in the grouping are sold.

Bidder Registration - Bidder registration occurs when prospective buyers register as a bidder with the cashier of the auction and get a bidder's number. It is very important not to lose the bidder number because if it is used to buy a property(ies) the person to whom the number is registered is liable to pay for the purchase(s) made. When a bidder card is lost, report the loss to the Cashier as soon as possible, so that if the number is found it cannot be used for purchases without the approval of the person to whom it was originally assigned. A bidder number is as important as a credit card number.

Bookkeeper - The person responsible for recording the amount of the high bid and the bidder number of the high bidder, on each property sold in the auction. Also known as the auction clerk.

Broker Acknowledgement - A document signed by the successful bidder, immediately after the bidder is acknowledged by the auctioneer as the high bidder and the buyer of the property(ies) sold. Also, referred to as the bidder acknowledgement and the memorandum.

Broker Participation - An arrangement for a third party broker to register potential bidders, for property(ies) being sold by auction, for a commission paid by the owner of the property(ies) or by the auction firm. Also known as an auction broker.

Buyer - The person identified by the Auctioneer as the highest bidder on the property(ies), and is therefore the buyer of the property(ies).

Buyer's Broker - A real estate broker representing the buyer, and normally paid for his/her services by the buyer.

Buyer's Premium - An advertised percentage of the high bid or flat fee, added to the high bid to determine the total contract price to be paid by the buyer.

Carrying Charges - The costs involved in holding a property(ies), which is intended to produce income, either by sale or by rent. Example: Insurance, taxes, maintenance, management.

Catalogue or Brochure - A publication advertising and describing the property(ies) for sale by auction. The descriptions will usually include photographs, property descriptions, and the term and conditions of the auction.

Caveat Emptor - A Latin term meaning, “Let the buyer beware.” A legal maxim stating that the buyer assumes the risk regarding quality or condition of the property purchased, unless protected by warranty.

Clerk - See bookkeeper or auction clerk.

Client - The party for whom the auctioneer sells the property, often synonymous with seller.

Collusion - The unlawful practice where two or more people agree not to bid against each other in order to deflate the value of the property(ies). Also known as bid rigging. Another form of collusion or bid rigging, is when the auctioneer accepts a fictitious bid on behalf of the seller so as to manipulate or inflate the price of the property(ies).

Commission - The fee charged to the seller by the auctioneer for the services provided. The amount is usually a percentage of the selling price of the property(ies). The specific details are described in the respective listing contract between the seller and the auctioneer prior to the auction.

Conditions of the Auction - The legal terms governing the conduct of an auction. Topics included would be, acceptable methods of payment, terms, buyer’s premium, possession of the property(ies) bought, reserves and any other relevant factors. This information is usually provided in writing at the auction and is announced by the auctioneer prior to the beginning of the sale. Also known as terms and conditions.

Consignor - The person who owns the property(ies) before it is sold. Also known as the seller.

Contract - An agreement between two or more people, that creates a legal relationship.

Cooperating Broker - A real estate broker who registers a prospective buyer with an auction company. The broker is paid a

commission only if his/her prospect is the high bidder and successfully closes on the property. Also known as a participating broker.

Customer - The party who attends the auction for the purpose of buying the property offered for sale.

Due Diligence - The process of gathering information about the condition and legal status of the property(ies) to be sold, and making it available to prospective bidders.

Estate Sale - The sale of the personal or real property left by a person at his/her death.

Fair Market Value - The value of an item changing hands between a willing buyer and a willing seller, neither being under compulsion to purchase nor compulsion to sell, and both having reasonable knowledge of the relevant facts. Also, see Market Value.

Fair Warning - The auctioneer's last call to the audience offering an opportunity to exceed the leading bid before a property(ies) is sold.

Groundsman - Individuals stationed throughout the attendees at an auction to assist the auctioneer, as bid spotters, and to assist prospective bidders with information. Also known as, bid assistants, bid consultants, bid spotters, and ringmen.

Hammer Price - The price established by the last bidder, and acknowledged by the auctioneer, as the buyer of the property(ies) being sold, which is confirmed by the dropping of the hammer or gavel, or by the auctioneer's call of sold. This price does not include the buyer's premium or other charges.

Handler - The person who works with the auctioneer by holding the item(s) being sold and spotting bidders in the audience. Also known as, bid assistants.

Increment - The amount identified by the auctioneer of the minimum increase in each bid. Increments of \$100.00 means that each new bid must exceed the previous bid by that amount.

In Its Present Condition - The sale of property(ies) without warranty of any kind, for any purpose, related to condition and/or fitness of the property(ies). The buyer is solely responsible for examining and judging the property(ies) for their own information and satisfaction. Also known as, as is, and where is.

Inspection - The specified date and time, prior to the sale, that the property(ies) are available for viewing by the prospective buyers. Also known as, open house and viewing time.

Knocked Down - A term used to describe when a property(ies) is actually sold by the auctioneer. Also known as sold.

License - or auction license - In the province of Ontario, business licenses are issued at the municipal level. Auctioneers purchase these licenses for each of the municipalities in which they conduct business. Fees, terms and conditions of these licenses vary greatly. In some municipalities, no license is required.

Listing Agreement - Please read the material at auction listing agreement.

Lot - The term used by the auction business to describe an item or items to be sold, or that has been sold.

Market Value - The highest price that a property(ies) will bring in terms of money, in an open and competitive market, with all conditions being equal, fair and legal and the buyer and seller each being prudent and knowledgeable.

Memorandum - A document signed by the successful bidder, immediately after the bidder is acknowledged by the auctioneer as the high bidder and the buyer of the property(ies) sold. Also known as the bidder acknowledgement, and as the broker acknowledgement.

Minimum Bid Auction - An auction in which the auctioneer accepts bids at or above a disclosed price. At a Minimum Bid Auction the terms and conditions are provided prior to the sale.

Minimum Opening Bid - An auction where the first bid or opening bid on each property(ies) must be at or above a pre-disclosed minimum amount.

Multi-Property Auction - An auction of a group of property(ies) offered through a common promotional campaign. The property(ies) may be owned by one or more sellers. Also known as multi-parcel (multi-par) auction.

Multi Seller Auction - An auction of property(ies) owned by a number of sellers, offered through a common promotional campaign.

No Sale Fee - A charge paid by the owner of a property(ies), which is offered with a reserve bid, when the property(ies) does not sell.

Open House - The specified date and time, prior to the sale, that the property(ies) are available for viewing by prospective buyers. Also known as, preview, inspection and viewing time.

Opening Bid - The first bid accepted by the auctioneer at an auction.

On-Line Auction - An auction held over the Internet.

On-Site Auction - An auction conducted on the premises of the property(ies) being sold.

Passed - When the auctioneer withdraws the item because it receives no bids, or the bids offered are less than the reserve price. Also known as withdrawn, or returned to owner.

Participating Broker - Please read the material at cooperating broker.

Payment Methods - Depending on the terms of the auction, payment can be made with the cashier by debit card, Visa, Mastercard, personal cheque or cash.

Pre-Registration - An option offered by some auction companies to enable customers to pre-register for a sale, prior to the viewing time, and avoid having to register during the often busy viewing time. This option can often help an auctioneer gauge interest in the item(s) being offered at auction.

Preview - The specified date and time prior to the sale, that the property(ies) is available for viewing by the prospective buyers. Also known as open house, inspection and viewing time.

Property(ies) - A term describe an item that is to be sold, or that has been sold.

Provenance - The history of the origin, ownership and background of a property(ies), potentially having a significant effect on the value.

Public Auction - A method of selling property in a public forum through open and competitive bidding. This process is also referred to as, auction, auction sale, and sale.

Reserve - The minimum price that a seller is willing to accept for a property to be sold at auction. Also known as the reserve price.

Reserve Auction - An auction in which the seller reserves the right to establish a reserve price, to accept or decline any and all bids, or to withdraw the property(ies) at any time prior to the announcement of the completion of the sale by the auctioneer. Also known as auction subject to confirmation, auction with reserve. See also reserve bid, and reserve price.

Reserve Bid - The minimum price that the seller is willing to accept for a property(ies) to be sold at auction. Also known as reserve price, and upset price.

Returned To Owner - When the auction withdraws the item because it receives no bids, or the bids offered are less than the reserve price.

Ringman - A term used at vehicle, livestock and large item sales for the person who works with the auctioneer spotting bidders in the audience, and providing information to bidders. The duties are similar to those of the handler.

Sale - vernacular for auction sale, a method of selling property in a public forum through open and competitive bidding. This process is also referred to as, auction or public auction.

Sales Taxes - Most property(ies) is/are subject to Federal Goods & Services Tax (GST) and the Provincial Sales Tax (PST). Some items may be zero-rated in tax regulations. Consult the tax agency or a tax professional for current information.

Sales Tax Exemption - All properties are subject to payment of the GST & PST unless the buyer provides a declaration or proof of exemption. Persons requesting PST exemption are required by the Provincial Retail Sales Tax Act to provide a completed "Purchase Exemption Certificate Form", to the cashier at the time of payment for the property(ies). If the completed "Purchase Exemption Certificate Form", is not provided at the time of payment, the cashier is obliged by the Provincial

Retail Sales Tax Act to charge the applicable Provincial Sales Tax. Persons requesting GST exemption are required by the Federal GST regulations to provide proof of exemption.

Seller - The person who owns the property(ies) before it is sold. Also known as the consignor.

Seller's Commission - The amount paid by the seller to the auction from the hammer price for selling the property(ies).

Subject To Confirmation - An auction in which the seller reserves the right to accept or decline any and all bids, or to withdraw the property(ies) at any time prior to the announcement of the completion of the sale by the auctioneer. See also reserve auction and auction with reserve.

Tax Sale - An American term for the public sale of property(ies) at auction by government authority, due to nonpayment of property taxes.

Terms & Conditions - Information governing the auction process for a particular auction, usually announced by the Auctioneer at the outset of the auction and frequently published in auction catalogues. Usually including information relating to methods of payment, removal procedures, responsibilities of buyers and any additional related information.

Tie Bid - When two or more bidders simultaneously bid exactly the same amount creating a tie bid. This situation is usually resolved by the auctioneer re-opening the bidding between the two disputing parties only.

Upset Price - The minimum price that the seller is willing to accept for a property(ies) to be sold at auction.

Unreserved Auction - An auction with no reserve or minimum prices.

Viewing Time - The specified date and time prior to the sale, that the property(ies) is available for viewing by the prospective buyers. Also known as inspection, open house, and preview.

Where Is - The sale of property(ies) without warranty of any kind, for any purpose, related to condition and/or fitness of the

property(ies). The buyer is solely responsible for examining and judging the property(ies) for their own information and satisfaction. Also known as, as is, and in its present condition.

Withdrawal/Withdrawn - When a property(ies) is withdrawn from the auction because of failure to reach the reserve price or because of insufficient bidding.

Auctioneer Associations

2. The AAO maintains contact with auctioneer organizations across Canada and the United States. Contact information is as follows:

National Auctioneers Association

8880 Ballentine, Overland Park, Kansas USA 66214

CEO: Ms Hannes Combest, CAE

Phone: 913-541-8084 Fax: 913-894-5281

Toll Free: 888-541-8084

E-mail: info@auctioneer.org

Web Site: www.auctioneers.org

- *The National Auctioneers Association (NAA) was formed in 1948 and is the national association for auctioneers in the United States with affiliate organizations in each state.*

Auction Marketing Institute

10520 Barkley Street, Suite 9, Overland Park, Kansas USA 66212

- *The Auction Marketing Institute (AMI) merged with the NAA in May 2003, forming the NAA Education Institute. See NAA for all contacts.*

Auctioneers' Association of Alberta

RR # 1, Red Deer, AB T4N 5E1

Phone: 403-340-2070 Fax: 403-340-2019

Website: www.albertaauctioneers.com

- *This is Canada's oldest auctioneer organization, founded in 1935.*

Saskatchewan Auctioneers Association

Box 773, North Battleford, SK S9A 2Y9

Phone: 306-441-2265 Fax: 306-445-2258

Website: www.saskauctioneers.com

• *The Saskatchewan Auctioneers Association was founded in 1974.*

Auctioneers Association of British Columbia

Box 32081, Walnut Grove Post Office, Langley, BC V1M 2M3

Phone: 604-888-9536 Fax: 604-888-9251

Email: bcauctioneers@gmail.com

Website: www.bcauctioneers.com

Manitoba Auctioneers Association

Box 4330, Stonewall, Manitoba R0C 2Z0

Phone: 204-467-7491

Email: nsmallwood@highspeedcrow.ca

Website: www.manitobaauctioneers.com

**Auctioneer
Education -
Learning to
Become an
Auctioneer**

3. (see LLE Committee, Section 2). An auctioneer represents the consignor or seller of the items being sold and has a primary responsibility to get as much money for the item as possible. In order to do that successfully on a consistent basis, the auctioneer requires: auction skills; broad product knowledge; good marketing techniques; and, a myriad of other skill sets. There are two primary parts to the training of an auctioneer:

- a. an in-depth explanation of the operation of an auction and training in the podium skills, as taught at one of the several schools located throughout Canada and the United States; and,
- b. after graduation, the auctioneer needs to work with an experienced auctioneer to develop product knowledge, to gain selling experience necessary to progress to the point where they can, “call an entire auction”, and at some later date establish their own auction business. Persons interested in becoming an auctioneer will often gain more out of auction school if they work at auctions for about a year or more before enrolling for formal training.
- c. auctioneers should be constantly searching for opportunities to broaden their skills. This will help them to be competitive (it makes good business sense) and attract new customers. After an auctioneer has the appropriate amount of auction experience,

there are a number of courses that can be attended to enhance their qualifications. The following are some of the additional training courses available:

(1) Canadian Personal Property Appraiser (CPPA). Founded in 1995, the Canadian Personal Property Appraiser Group offers a four (4) day comprehensive seminar in a wide selection of property appraisal. The seminar is held twice annually in Ontario and once annually in other provinces. There is no formal experience requirement but auction or related experience is an asset. www.cppag.com

(2) Institute of Canadian Certified Auctioneers (ICCA). A 2 year program for auctioneers with a minimum of 3 years of experience, offered through the Auctioneers Association of Canada, in the week prior to the annual convention. The requirements are one week of classroom training each year plus home study.

* Note: This program has been inactive for several years but some members carry the designation to attest to their qualifications.

(3) International Society of Appraisers (ISA). A 2 year distanced-learning personal property appraisers program of 2 modules, each with 17 and 10 lessons respectively, offered through the University of Maryland Continuing Education. There are also on site course offered at different locations. Graduates are required to complete an upgrading requirement every 5 years to maintain their qualification. Graduates may use the title, “Certified Appraiser of Personal Property (CAPP).

(4) Certified Auctioneers Institute (CAI). The highest professional designation awarded by the Auction Marketing Institute. Auctioneers require a minimum of 2 years of auction experience to enroll in this 3 year program at Indiana University. The program requires completion of one week of study at the University, in each of the three years. To maintain the designation graduates must also meet the graduate education requirements by completing 24 hours of approved study every 3 years thereafter, and follow the code of ethics and standards of practice of the Institute.

(5) Accredited Auctioneer - Real Estate (AARE). A professional designation awarded by the Auction Marketing Institute, to qualified Real Estate auctioneers, who meet the education and experience requirements, and who follow the code of ethics and standards of practice of the institute.

(6) Graduate Personal Property Appraiser (GPPA). A professional designation awarded by the Auction Marketing Institute to qualified personal property appraisers, who meet the education and experience requirements, and who follow the code of ethics and standards of practice of the institute.

(7) Certified Estate Specialist (CES). Advanced education in exactly how to deal with the settling of estates, from working with family members to dealing with lawyers and accountants. Certified Estate Specialists are accustomed to dealing with other professionals, such as CPA's, tax attorneys, financial planners and family lawyers. They are familiar with the legal requirements and restrictions on their geographic areas, and will use their knowledge to bring the greatest return to those involved in the sale.

(8) Auction Manager Certification Program (GA). Designed for the auctioneer with less than five years of experience as part of the management team. Topics covered include: The Auction Profession and its Function; Role of the auction; Legal Issues; Your Auction Practice - Building Blocks for Successful Sales (closing the sale; role playing; dealing with objections); and Post-contract Follow Through; Building and Maintaining a Client Customer Base; Promoting Yourself and Your Services to other Professionals (tax accountants, attorneys, bankers, insurance agents). Credit Hours: 14 (2 days). Who Should Attend? Auctioneers interested in building or increasing their business.

(9) Auction Administrator Certification Program (GAA). This is the first certification course for auction support staff. Developed at the request of members to give their staff training opportunities to learn from and network with others in the industry, this course covers client-customer communications, database management, record keeping, personnel management, financial records, project management, promotion, and staffing. Credit Hours: 14 (2 days). Who Should Attend? Auction support staff.

The AAO is interested in any training courses for auctioneers, and would be grateful for information on any training not listed here. Please provide the full name, phone, fax, e-mail, and web site of any training organization offering training for auctioneers.

Bibliography 4. Published sources of information used in the compilation of this **and Resource** handbook are listed below. Individual contributions not listed below **Listing** are gratefully acknowledged.

Books

Title: **Auction**
Author: Bill Hubbard
Publisher: Millers River Publishing Co.
Year and ISBN: 1989, 0-912395-16-8
Location: Pickering Library 381 .1 HUB

Title: **Twenty Years of Hus'ling**
Author: J. P. Johnston

Title: **The Auctioneers Guide**
Author: J. P. Johnston

Title: **Fakes, Grafts & Swindles Exposed**
Author: Col. J. Alfred McCurry

Title: **The Auctioneer's Manual**

Title: **The Law Relating To Auctions, House Agents and Commissions**
Author: Heber Hart, LLB.,
Publisher: Stevenson and Son's Ltd.,
Year and ISBN: 1902, No ISBN
Location: Theresa Taylor's library

Magazine & Newspaper Articles

Title: **You Get What You Bid**
Author: Jane McDonald
Publisher: Pickering News Advertiser
Date and Page: May 10, 2000, page 8

Title: **Going, going, gone**
Author: The Globe and Mail
Publisher: The Globe and Mail
Date and Page: April 20, 2001, Section C,
Special Interest Supplement

Resource Websites

www.cbs.gov.on.ca
Ontario Ministry of Consumer & Business Service

www.cbsc.org

Canada/Ontario Business Service Centre

www.strategis.ic.ca

Canada's Business & Consumer Innovation Site

www.ccr-a-adrc.gc.ca

Canada Customs & Revenue Agency

www.ic.gc.ca

Industry Canada

www.hrdc-drhc.gc.ca

Human Resources and Development Canada

Auction Listing Websites

www.auctionsfind.com

www.theauctionadvertiser.com

www.ontariosauctionpaper.com

www.globalauctionguide.com

Auction Newspapers

The Woodbridge Advertiser “Ontario’s Weekly Auction Newspaper”

Box 379, 2 Main Street West, Beeton, ON L0G 1A0

Phone: 905-729-4501 or 888-285-4501 Fax: 905-729-3961

Email: info@ontariosauctionpaper.com

www.ontariosauctionpaper.com

The Auction Fever

Box 730, Cardinal, ON K0E 1E0

Phone: 613-657-3458 Fax: 613-925-1458

Email: auctionfever@recorder.ca

Canadian Antiques and Vintage

P.O.Box 940, Ridgetown, ON N0P 2C0

Tel: 226-364-1495

Toll-Free: 1-866-333-3397

email: sophiebond@canadianantiquesandvintage.com

www.canadianantiquesandvintage.com

Auction Schools

Canadian College of Auctioneering

Georgian College, Barrie Campus

Phone: 705-722-1560 or 705-726-2120

Fax: 705-726-9023

www.georgian.on.ca/auction

