



Ohio Administrative Code

Rule 901:8-2-08 Classification of offenses; investigative costs and civil penalties.

Effective: February 16, 2023

(A) A minor offense includes but is not limited to:

- (1) Financial harm to the owner of the item being auctioned, consignor, or public in an amount up to one thousand dollars;
- (2) Failure to produce copies of documents;
- (3) Failure to display required notices;
- (4) Minor advertising violations; and
- (5) Failure to enter into a contract (first offense only).

(B) The department may assess a civil penalty up to one hundred dollars for the first minor offense and up to two hundred dollars for each subsequent minor offense. If a licensee should commit a minor offense found in paragraph (A) of this rule more than five times in a twelve month period each subsequent offense shall be considered a major offense according to paragraph (C)(2) of this rule.

(C) A major offense includes but is not limited to:

- (1) Financial harm to the owner, consignor, or public amounting from one thousand one dollars to five thousand dollars;
- (2) A minor offense found in paragraph (A) of this rule which the licensee has violated more than five times in a twelve month period;
- (3) Acting without a license as an auctioneer, corporation, partnership, unincorporated association, or



auction firm;

(4) Aiding an unlicensed entity;

(5) Moderate or continuing advertising violations; and

(6) Bad faith, dishonesty, or failure to return funds or property pursuant to the terms of a contract, or failure to return funds or property within the required fifteen-day return period.

(D) The department may assess a civil penalty of one hundred dollars and up to five hundred dollars for the first major violation. The department may assess a civil penalty of five hundred dollars and up to one thousand dollars for each subsequent major violation.

(E) A serious offense includes, but is not limited to:

(1) Financial loss to the owner, consignor, or public in an amount of five thousand one dollars and over;

(2) Failure to report a conviction of a felony or fraud;

(3) Fraud, theft, commingling of funds, bid rigging, or misrepresentation;

(4) Providing false information on a license application; and

(5) Continued failure to return funds or property pursuant to the terms of a contract, or continued failure to return funds and property within the required fifteen day period.

(F) The department may assess a civil penalty of one thousand dollars and up to five thousand dollars for the first serious violation. The department may assess a civil penalty of five thousand dollars and up to ten thousand dollars for each subsequent serious violation.