

NEW HAMPSHIRE BOARD OF AUCTIONEERS

c/o Office of the Secretary of State
State House, Room 204
107 North Main Street, Concord, NH 03301
(603) 271-3242

Sworn statement of complaint for filing with the New Hampshire Board of Auctioneers.

Complaint to be filed in the form of an original and **seven** copies.

In order to proceed with this complaint you must be willing to appear at a hearing. Please indicate below.

YES NO

311-B:11 Disciplinary Action. -

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) **Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds for the complaint.**

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter;

(b) Conviction of a felony;

(c) Violation of the code of ethics established by the board through rulemaking in accordance with RSA 541-A;

(d) Negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the person unfit to practice under this chapter;

(f) Repeated violation of the provisions of this chapter or the rules adopted by the board; or

(g) Suspension or revocation without reinstatement of a license, similar to one issued under this chapter, in another jurisdiction.

III. Each individual sale or act in connection with the conduct of an auction in violation of any provision of this chapter or any rules adopted by the board shall constitute a separate instance of misconduct. Upon a finding of misconduct, the board may impose one or more of the following disciplinary sanctions:

(a) A fine of not more than \$10,000.

(b) A letter of reprimand.

(c) Placement of the auctioneer on probation for a period of time and subject to conditions as the board may specify.

(d) Payment of restitution to each consumer negatively affected by the prohibited act. Proof of such restitution shall be a signed and notarized release executed by the consumer or the consumer's estate.

(e) Suspension of a license for a period of time established by the board, with or without automatic reinstatement.

(f) Revocation of a license.

(g) Requiring the licensee to participate in a program of continuing education in the area or areas in which he or she has been found deficient or requiring the person to retake the licensing exam, or both.

IV. The board is authorized to add to the order imposing disciplinary sanctions an order for the licensee to pay the costs of investigation in the disciplinary matter.

V. The board may in its own name request the attorney general to seek injunctive relief in the courts of general jurisdiction to restrain any violation or anticipated violation of this section or the board's rules. When seeking injunctive relief the board may, with the prior approval and supervision of the attorney general, employ an attorney for assistance and representation.

1. Name, address and telephone number of person or persons making complaint.

2. Name, address and telephone number of auctioneer against whom this complaint is filed.

7. State clearly any additional information you feel is relevant to your complaint.

Signature of Complainant

Sworn to and subscribed before me this _____ day of _____ 20 _____

(Notarial Seal)

Justice of the Peace / Notary Public

WITNESSES (Give names and addresses)

The following witnesses can substantiate this statement. (Indicate in space provided in which ones, if any, you intend to have present if a hearing is held.)

1.	
2.	
3.	
4.	
5.	