

Bylaws/Code

PREAMBLE

Whereas, the Auctioneer is a confidant of the public, and whereas we pledge ourselves to observe the law of God and the Golden Rule, and whereas we strive to cultivate the spirit of cooperation, we do hereby constitute ourselves the “New Jersey State Society of Auctioneers,” and do adopt for the purpose of governing the society, the following Constitution, Rules, and Regulations.

Constitution

ARTICLE I

Name and Offices

The society, known as the “New Jersey State Society of Auctioneers,” will have its headquarters and principal offices located at the residence or business office of the duly elected Secretary-Treasurer. The officers and Directors may from time to time (if deemed in the best interests of the society) designate or establish other office locations.

ARTICLE II

Objectives

The objectives of this society shall be to promote and advance the auction profession; to protect the public from unscrupulous practices; to protect the auctioneer in all matters of legislation or regulation; to discuss matters of common interest; to provide technical training; to provide advertising and publicity for the membership as a whole; and to help any member conduct his auction, should he, through no fault of his own, or through uncontrollable circumstances, be unable to do so.

The use of he, him, his also means she, her, and hers. All gender specific terms are meant to be all inclusive

Article III

Membership Classification & Requirements

Section 1.

Auctioneer – Any person who qualifies by submitting written proof of having conducted five (5) public auctions (via contracts, settlement sheets and/or newspaper ads including said auctioneer’s name). Also any person who has successfully completed a prescribed auctioneering course in an approved auction school, will be eligible for the classification of auctioneer by submitting a copy of a diploma or similar proof of such attendance. Any applicant not submitting such proofs may join the

Society in the category of Associate membership until such time as proof of the five (5) auctions can be produced. Applicants cannot advertise as members of NJSSA until they are sworn in a duly constituted meeting of the Society. Auction schools will be approved by the Board based on the Board’s knowledge of their curriculum, educators, and general reputation.

Section 2.

AUCTION HOUSE OR AUCTION BUSINESS OWNERS - Any person qualifies who are owners of Auction houses or businesses, but who are not auctioneers. These persons are eligible for full voting membership. However, such applicants may not advertise as members of NJSSA until they are sworn in at a duly constituted meeting of the society.

Section 3. ASSOCIATE MEMBERSHIP (Non-Voting) Any Persons qualify who have a relationship with the Auction Business, but who are not auctioneers or auction house owners. This includes, but is not limited to, clerks, cashiers, and floor persons. Associate members shall have no voting rights and may not advertise as members of the NJSSA.

Section 4.

HONORARY (Non-Voting) – Memberships may be granted to members or non-members of the auctioneering profession by a majority of NJSSA members present at a regular meeting, in recognition of meritorious service rendered for, or in behalf of, the NJSSA or its members.

Section 5.

PAID UP LIFE MEMBER (Voting) – Membership is bestowed upon any full voting member who has been a paid up member in good standing for a period of twenty-five (25) cumulative years.

ARTICLE IV

Officers

The Officers of this Society shall be a President, a Vice-President, and a secretary-Treasurer, each to serve one year or until a successor has been elected. Six (6) Directors shall be elected, whose term of office shall be three (3) years, with two (2) Directors elected each year. The immediate Past President shall become a voting Director for One(1) year or until succeeded by the next immediate Past President.

Article V

Duties of Officers and Directors

Section 1.

It shall be the duty of the President to preside at all meetings of the Society; to enforce a due observance of the Constitution, By-Laws, Rules, and Regulations; to decide all questions of order; to offer for consideration all motions regularly made; to call all Special Meetings; to appoint all Committees not otherwise provided for and to perform such other duties as his office may require. He shall conduct all meetings in absolute decorum at all times. He shall make no motion, or amendment,

nor vote on any question or motion unless the members be equally divided, when he shall cast the deciding vote.

Section 2.

It shall be the duty of the Vice President to Preside in the absence of the President and perform the duties of that office, and to perform duties the President may so direct.

Section 3.

It shall be the duty of the Secretary-Treasurer to keep the records of the Society; to notify new members of their admission and their requirements for being sworn in; to keep a roster of the membership; to issue all notices required, and to perform all duties pertaining to the office as may be required by the Society; to keep an accurate record and minutes of all meetings; to receive and account for all monies of the Society; to keep the accounting records up to date and subject to audit at any time by any Society auditing Committee. In any event, books will be audited annually at the NJSSA Convention by a committee appointed by the President.

Section 4.

The authority of the Society shall be vested in the Executive Committee consisting of the officers and Board of Directors of the Society. The Executive Committee shall determine all policy of the Society and shall have full management of the Society; they shall pass on all applications for membership, and may exercise all the powers necessary or desirable for the good of the Society, subject to the provisions of the Constitution and By-Laws. The Chairperson of the executive Committee shall be the immediate Past President of the Society and the Vice-Chairperson shall be the president of the Society.

Section 5.

Any combination of five (5) members of the executive Committee present at any Executive Committee meeting shall constitute a quorum for the purpose of doing business.

Section 6.

The Executive Committed shall conduct regular meetings. Unless otherwise ordered by the President, they will be on the first Monday of January, March, may, July, September, and, November. Locations shall be determined by the President. Any Officer or Board member may have his office declared vacant for failure to attend three (3) Board meetings annually, unless excused by the president. Vacancies may be declared by a majority vote of the Executive Committee at any official meeting. In addition, Executive Committee members shall attend all regular meetings of the Society.

Article VI

Election of Officers

Section 1.

The nomination of Officers and Directors shall be by the Nominating Committee appointed by the President. The Nominating Committee shall select one (1) candidate for each office (or vacancy) to be filled. Additional candidates for offices may be placed by verbal nomination from the floor by individual members with voting status.

Section 2.

Elections shall be held annually at the NJSSA convention during the annual Business meeting. Elections shall be by ballot except in the case where there is only one (1) nominee. The nominee receiving the majority vote of the members present is to be declared elected. In case of a tie vote, all ballots will be discarded and a new election for that office will take place. Installation of new officers will take place during the convention banquet. Installation of Officers and Directors shall be conducted by the Immediate Past President, or at his request, any person he shall appoint. The term of office will expire on the day of the convention, one year later.

Section 3.

Nominations and elections will be conducted in the following order: President, Vice-President, Secretary/treasurer, Directors whose terms are expiring, and Directors whose positions must be filled for any other reasons.

Section 4.

Candidates for Office must be full members who have been sworn in. Such candidates who are willing to serve in an office shall be advised by the nominating committee of their duties and shall agree to abide by Article V section 6 (Mandatory attendance of meetings).

Article VII

Amendments to Constitution

Every proposed alteration, amendment, deletion or addition to this Constitution and By-Laws hereunto annexed must be adopted by two-thirds vote of all members present at a regular meeting. Each voting member shall be notified via mail at least fifteen (15) days prior to the meeting at which such amendments will be considered and acted upon.

Article VIII

Suspension of By-Laws

A By-Law may be suspended, in case of emergency, by unanimous consent of the members present at any regular or special meeting.

By-Laws

Article I

Meetings

Section 1

This society shall conduct regular meetings on the first Monday of April, June, October and December, unless otherwise ordered by the president. The Annual Meeting will be on the first Saturday of

February. The Annual Picnic will be held on a Sunday in August. Meeting Locations shall be determined by the Executive Committee.

Section 2.

Any combination of voting members and Executive Committee members present totaling eleven (11) shall constitute a quorum at any regular membership meeting.

Article II

Inauguration of Officers

At the inauguration of each Officer and Director, they shall be required to make the following affirmation: "I (Name) do hereby solemnly promise that I will faithfully discharge the duties of my office to the best of my knowledge and ability.

ARTICLE III

Election of Members

Prospective members shall file an application on a form provided by the Society. The application will be reviewed by the Executive committee. Upon Executive Committee granting member status, the new electee must attend a meeting at which time he will be sworn in. No electee may advertise as a member of NJSSA, or use the logo thereof, or be permitted to vote, or enjoy any such privileges of membership in the Society until he has been sworn in.

Article IV

Initiation of Members

The following affirmation shall be required of each person becoming a member: "I (Name) do hereby solemnly promise that I will faithfully conform to all Laws, Rules, and Regulations set down in the Constitution of this society."

ARTICLE V

Dues and Assessment

Section 1.

The in dual annual dues for full members of this society shall be \$50.00. The individual annual dues for non-voting Associate Members and/or Non-Voting Affiliate members shall be \$25.00.

Section 2.

Additional revenue, if needed to meet necessary expenses, must be voted upon by the membership with approval by a two-thirds majority of the members present at a regular meeting. Each member

shall be notified via mail at least fifteen (15) days prior to the meeting at which such an issue would be discussed and acted upon.

Section 3.

Yearly dues are payable annually in advance. The Secretary shall send notice of dues by November 15th and said dues are payable by December 31st. Failure to pay dues by commencement of the Annual meeting shall automatically terminate membership in the Society. Anyone terminated for failure to pay dues by the start of the annual meeting, must re-apply for membership in the same manner as any other non-member.

ARTICLE VI

Discipline

Section 1

The Ethics Committee will hear all complaints from outside the Auction Society.

Conduct in violation of the By-Laws, Constitution, or Code of Ethics of this society, shall be cause for expulsion, suspension, censure, or other disciplinary action. All complaints against any member shall be referred immediately to the Ethics Committee for investigation.

The Ethics Committee shall consist of not less than three members, appointed by the President. A Statement of the charges against any member shall be in writing, and be signed by the complainant. The Ethics Committee shall investigate the charges, and if, after due deliberation it deems a hearing necessary, it shall inform the accused. Notification of the charges and date of hearing shall be sent by certified mail (with return receipt requested), and addressed to the member at his last recorded address at least thirty days before a scheduled hearing.

The accused may, within the period prior to the hearing, submit a written explanation concerning the charges, or ask for a personal appearance before the Committee. Failure of the member to respond to the charges shall be cause for expulsion from the society, without prejudice. The Ethics Committee shall take action on every complaint and either dismisses it if deemed groundless, or recommend action to the Executive Committee. The Ethics Committee shall preserve the confidentiality of its proceedings. The ethics Committee shall deliver its recommendation to the executive committee, which is empowered to take final action. Whenever there is a recommendation for expulsion, the Executive Committee shall notify the accused that he, has the right to appear before the Executive Committee in his defense. A Vote on expulsion if such is taken, shall be held in Executive Session. An Executive Committee member, censured for violation of the code of Ethics, Constitution, or By-Laws shall be automatically removed from the Board.

ARTICLE VII

Roberts Rules of Order

Business shall be conducted in accordance with Roberts Rules of Order unless otherwise required by these By-Laws.

ARTICLE VIII

Amendments

Amendments to these By-Laws may be made after the manner prescribed in Article VII of the Constitution.

ARTICLE IX

Grievances

The grievance Committee shall deal with all grievances between NJSSA members. The president shall appoint a grievance committee consisting of three (3) members and the chairman of this committee shall be selected by a majority vote of the committee members. The Grievance Committee shall meet at the call of the Chairman for discussion of any grievances that are brought to their attention. The Grievance Committee will report their findings to the Executive Committee for action.

ARTICLE X

We, the Auctioneers as Members of this Society, do willingly, voluntarily, and irrevocably bind ourselves unto the provisions and conditions set forth in above Constitution and By-Laws. We further agree to be loyal and faithful to this Society; honest and non-discriminating in dealing with its individual members and the general public. We will, to the best of our ability, work for the protection, promotion, and betterment of the auction profession; and we further pledge our allegiance to the principles and purposes for which this Society stands. No person shall be barred from membership by reason of race, religion, creed, color, sex, age, handicaps or familial status.

The revised Constitution and By-Laws were approved by the membership assembled at a meeting on the 21st day of April, 1997 and supersedes any previous Constitution or By-Laws.

CODE OF ETHICS

PREAMBLE

The public auction subjects all possessions to fair and equitable public dispersal, by competitive offer and thereby determines fair market value of personal and real property. The Auctioneer, being the master of Auction and Fund raising procedure shall continually make his talent available to aid in Community efforts where it is possible. With these talents comes a responsibility and duty beyond ordinary business policy to which he must dedicate himself and strive to maintain the highest standards of his profession. He shares with all his fellow Auctioneers a common responsibility to protect the integrity and honor of Auctioneering.

PART I

Professional Relations

Article 1.

In the best interest of the public, of his fellow Auctioneers and of his own business, the Auctioneer should be loyal to the New Jersey State Society of Auctioneers, and be active in its work. He should be willing to share with his fellow members the lessons learned by his experience.

Article 2.

The Auctioneer should conduct his business so as to avoid disputes with his fellow Auctioneers. In the event there would be a controversy between members, The Board of Directors would be happy to offer their services as mediator, knowing well that the disputants may not accept the Board's view as binding. If the Dispute should be with a non-member, the Auctioneer should offer the services of the Board to arbitrate.

Article 3.

Where a member is charged with unethical practice, he should promptly and voluntarily place all the pertinent facts before the proper committee for investigation.

Article 4.

A member should never publicly criticize a competitor, and where an opinion is specially requested, it should be rendered in conformity with strict professional courtesy and dignity.

Article 5.

A member should not solicit the services of an employee of a fellow Auctioneer without having his knowledge and consent.

Article 6.

At no time should the individual agenda of members or Board members supersede the aims or goals of the Society. Where there may be a conflict of interest, the member should defer to whatever would be beneficial to the Society as a whole.

PART II

Relations to Clients

Article 1. To do justice to those who place their interests in his hands, the Auctioneer should endeavor to keep abreast of business conditions, and to keep informed in matters of law, regulation and impending legislation affecting such interests so as to give intelligent business advice, effective service and conduct himself in accordance with his fiduciary responsibilities.

Article 2.

In accepting the auction of real or personal property, the member pledges himself to be fair to both seller and buyer, and to protect the owner's interest as he would protect his own interest.

Article 3.

When consulted for a pre-auction estimate or liquidation evaluation, a member should give a well considered opinion, reflecting expert knowledge and sound judgment, taking required time for study, research and deliberation. A member should not undertake to offer an evaluation opinion on any proposition on which he has a direct or indirect interest, without a full disclosure of such interest to all interested parties.

Article 4.

Before accepting an auction it is the duty of the Auctioneer to advise the owner intelligently and honestly regarding the market value of the business or proposition and the reasonable chance at selling at value or above.

Article 5.

If an auctioneer is not capable of handling the sale in question, he should avail himself of someone who can apply such expertise.

Part III

Relating to the public

Article 1.

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

Article 2.

It is the duty of a member to ascertain all pertinent facts concerning every auction for which he is engaged, so that in offering he may avoid error, exaggeration and misrepresentation.

Article 3.

An Auctioneer is a confidential trustee of the information given by the seller or gained by him through their relationship. The Auctioneer must never disclose to anyone but the seller the gross receipts of an auction, or any other information, that would tend to be a violation of the profession unless legally required to do so.

Article 4.

No special conditions, real or assumed, nor inducements or directions from anyone relieve the member from his responsibility to strictly observe the Code of Ethics in letter of in spirit.