



Kentucky Board of Auctioneers Newsletter

March 2011

Kentucky Board of Auctioneers
9112 Leesgate Rd., #5
Louisville, KY 40222

Phone:
(502) 429-7145

Fax:
(502) 429-7147

E-mail:
auctioneers@ky.gov

We're on the Web!
<http://auctioneers.ky.gov>

Renewal Time In June

The renewal forms are scheduled to be mailed in mid-May to each licensee's home address. Continuing education credit must be earned between July 1, 2010 and June 30, 2011. If you have completed CE, fax or mail the certificate or proof of attendance to the Board.

The completed renewal (form, fee and if applicable, proof of CE) is due in the Board office on or before Thursday, June 30th 2011.

Board-Sponsored Continuing Education Seminars

Morehead, KY-Tues., April 5, 2011

Morehead Conference Center, 111 East 1st St.

9:00 AM through 12:00 Noon, ET

Ken Hill "Avoiding Compliance Problems"

1:00 PM through 4:00 PM, ET

Ken Hill "Selling Firearms at Auction"

Cadiz, KY-Tues., April 19, 2011

Lake Barkley State Park, 3500 State Park Rd.

9:00 AM through 12:00 Noon, CT

Ken Hill "Avoiding Compliance Problems"

1:00 PM through 4:00 PM, CT

Ken Hill "Selling Firearms at Auction"

Louisville, KY-Tues., May 10, 2011

Fern Valley Hotel and Conference Center, 2715 Fern Valley Rd., 40213

9:00 AM through 12:00 Noon, ET

Ken Hill "Avoiding Compliance Problems"

1:00 PM through 4:00 PM, ET

Ken Hill "Selling Firearms at Auction"

Somerset, KY-Tues., May 24, 2011

Center for Rural Development, 2292 S Hwy 27, 42501

9:00 AM through 12:00 Noon, ET

Ken Hill "Avoiding Compliance Problems"

1:00 PM through 4:00 PM, ET

Ken Hill "Selling Firearms at Auction"

The renewal form is mailed to all licensees in middle to late May. A principal auctioneer must complete 6 hours of continuing education (CE) by June 30th. An apprentice auctioneer or an auction house operator must report 3 hours of CE by June 30th. Mail or fax copies of CE completion documents to the Board. If you attend the Board sponsored seminars, your information will automatically be updated.

If CE is complete, but the renewal is received from July 1 through December 31, 2011, an additional late fee is required.

If CE is not completed by 6/30/11, renewal is not accepted. License is canceled and an examination is required for reinstatement. If your license is by reciprocity, an initial application with all attachments is required.



Attached is the registration form. If you plan on registering early, fill out the form and return with the fee.



Texas licensees: Please take note that as of February 20, 2011, the Kentucky Board of Auctioneers will no longer accept Texas licensees under a reciprocal basis. We will however accept your CE for this renewal year (2010-2011) but as of 6/30/11 all Texas licensees who are currently licensed in Kentucky must receive CE from a Kentucky CE approved provider.



IMPORTANT ISSUES

Make sure you know the law:

KRS330.020 (3): "Auction" means any method of sale, lease or exchange of real property, personal property, or any combination thereof, by means of competitively increasing or decreasing bids. Any sale, lease, or exchange of real property, personal property, or any combination thereof, advertised or presented in any way by or at auction is an auction.

KRS330.110 (5): License suspension, revocation, and other penalties --
Grounds: Failing to account for or remit, within a reasonable time, any money belonging to others that comes into the licensee's possession, commingling funds of others with the licensee's own funds, or failing to keep the funds of others in an escrow or trustee account.

KRS330.110 (14): Failure to establish and maintain, for a minimum of five (5) years from final settlement, complete and correct written or electronic records and accounts of all auction transactions, including:

- (a) Listing contracts, including the name and address of the seller;
- (b) Written purchase contracts;
- (c) Descriptive inventory and final bid amounts of all items or lots offered;
- (d) Buyer registration records; and
- (e) Settlement records, including all moneys received and disbursed and escrow account activity.

KRS330.220 (7) (a): At any absolute auction, any advertisement or representation of a minimum or suggest starting bid is prohibited. (b): At any reserve auction, any advertisement or representation of a minimum or suggested starting bid is prohibited unless: 1. The minimum or suggested starting bid advertised or represented is sufficient to satisfy the auction listing contract stated reserve or confirmation amount; and 2. The auction listing contract contains a binding acknowledgement by the seller that permission has been granted for disclosure.



FEEES

- Renewal Fee - \$130
- Change of address - \$10
- Change of Principal - \$10
- Escrow Renewal - \$100
- Late Renewal - \$130 + \$100 late fee = \$230 if CE completed between 7/1/10 and 6/30/11.
- If CE not completed - \$230 + \$300 penalty fee + CE doubled.
- Escrow late Renewal - \$150
- Letter of Good Standing \$5



SALES TAX AUDITS

The Kentucky Department of Revenue is again conducting audits of auctioneers and auction house operators. The Board has had reports of these audits resulting in additional sales tax and penalties being assessed against licensees ranging from zero to several thousands of dollars. The primary problem areas appear to be with agricultural purchases of farm equipment, resale certificates from dealers and licensed boats and trailers. Boats and most trailers (semi-trailers are exempt), even if they have titles, are not "motor vehicles" and the county clerks do not collect the sales tax on these at the time of transfer, it is the auctioneer's responsibility to collect the sales tax. You are also suppose to pay sales tax (usage tax) on any items you purchase from out of state (such as auction brochure printing) if the seller does not collect the Kentucky Sales Tax.



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CLARENCE YANCEY



RANDY BUSH



2011 SEMINAR REGISTRATION FORM

Place a check mark (✓) beside the date of attendance.

_____ Tuesday April 5 Eastern KY (Eastern Time)-Ken Hill
Morehead Conference Center
111 East First St, Morehead, KY 40351

_____ Tuesday April 19 Western KY (Central Time)-Ken Hill
Lake Barkley State Resort Park
3500 State Park Rd, Cadiz, KY 42211

_____ Tuesday May 10 Central KY (Eastern Time)-Ken Hill
Fern Valley Hotel and Conference Center
2715 Fern Valley Rd, Louisville KY 40213

_____ Tuesday May 24 Southern KY (Eastern Time)-Ken Hill
Center for Rural Development
2292 S Hwy 27, Somerset KY 42501

NAME

LICENSE NO.

Make check or money order payable to the KY Board of Auctioneers

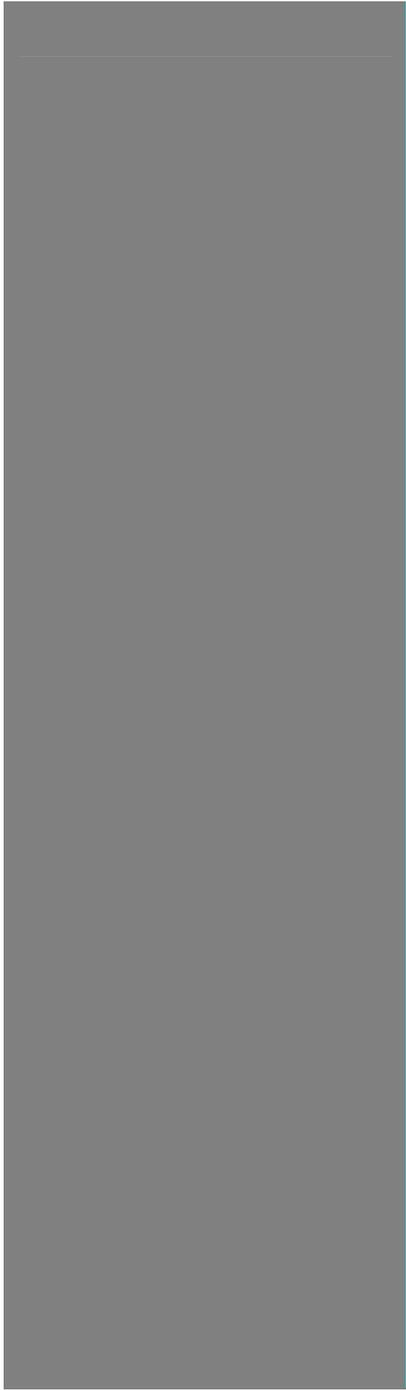
Mail to: KY Board of Auctioneers, 9112 Leesgate Rd, Suite 5, Louisville, KY 40222

DISCOUNTED EARLY REGISTRATION: \$25

LATE REGISTRATION AT SITE: \$35

A.M. session 9:00-12:00 P.M. session 1:00-4:00 local time.

Registration fee includes both sessions. Registration fees are non-refundable.



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Return Service Required

