



PUBLIC PROTECTION CABINET

Andy Beshear
GOVERNOR
Jacqueline Coleman
LIEUTENANT GOVERNOR

Kentucky Real Estate Authority
Kentucky Board of Auctioneers
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Frankfort, KY 40601
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Ray A. Perry
SECRETARY

August 9, 2023
9:30 A.M.

BOARD MEETING MINUTES

A meeting of the Board of Auctioneers was held via Zoom videoconference, August 9, 2023, and at 500 Mero Street, Conference Room 229NE, Frankfort, KY 40601.

MEMBERS PRESENT

Ronald Kirby, Jr.
Gregory Johnson
Bill Patrick (In person)
Danny Ray Ford
GeMonee Brown

KENTUCKY REAL ESTATE AUTHORITY STAFF PRESENT

Hannah Carlin, Deputy Executive Director
August L. Pozgay, General Counsel
Pam Samples, Board Coordinator
Gerald Florence, Investigator
Rene Rogers, Staff Attorney III

PUBLIC PROTECTION CABINET STAFF PRESENT

Jacob Walbourn, PPC General Counsel

Call to Order

Board Chair Kirby called a meeting of the Kentucky Board of Auctioneers (the "Board") to order at 9:37 A.M. Eastern. Members Kirby, Johnson, Ford, Patrick, and Brown were present, and a quorum was established.

Approval of the June 14, 2023 Meeting Minutes

Member Ford moved to approve the June 14, 2023, board meeting minutes. Member Johnson seconded the motion. All in favor, the motion carried.

KREA Update

Deputy Director Carlin welcomed attendees and congratulated Members Johnson and Brown on their reappointment and thanked them for their willingness to be reappointed. She introduced Seth Branson, our Procedures Development Specialist, and informed them that he would be assisting the Board Coordinators and sitting in for them at meetings if they were out. Ms. Carlin announced that additional staff were approved by the Cabinet to assist the Boards and interviews will be taking place. She told the Board that the KCTCS location in Louisville initially indicated they would not be hosting licensure examinations for the Board in July or August, but KCTCS has since agreed to ensure one examination day available for each month and KCTCS has also indicated they will resume the prior examination schedule in September, 2023. She updated the Board that the Public Protection Cabinet is still working to permanently fill the position of Kentucky Real Estate Authority Executive Director.

Legal Update

General Counsel Pozgay updated the Board that he is reviewing two items brought forth for legal review at the request of Member Johnson, specifically, escalation clauses in real estate contracts and website auctioning of advertisement space. He is also going to be working on regulation amendments for the Board's review, to conform with recent statutory changes.

New Business/Old Business/Miscellaneous Matters

- **Proctored exams through KCTCS:** Board Coordinator Pam Samples reported that since the last update on June 14, 2023, that sixteen (16) people have taken the exam; nine (9) passed and seven (7) failed.
- **2023 license renewal update:** Board Coordinator Pam Samples reported that as of today 95 licensees were on the list for non-renewal.
- **Discussion concerning reciprocating with other states:** Board Coordinator Pam Samples informed the Board that she was reviewing reciprocity agreements on file. Member Ford moved for counsel and board staff to review agreements that may need updating and to authorize a potential exchange of information with Texas's licensure board for preliminary discussions regarding reciprocity, and to report back to the Board at its next meeting. Member Johnson seconded the motion. All in favor, the motion carried.

Complaint Review Committee ("CRC")

The CRC presented the following recommendations from its meeting on August 9, 2023:

- **In Re: Alleged Unlicensed Auction Activity in Crockett, KY.**– recommendation: to dismiss the complaint due to not having sufficient evidence.
- **In Re: Alleged Unlicensed Activity of M.V.** – recommendation: assign for further investigation.
- **Complaint 23-002** – recommendation: assign for further investigation into this complaint and any additional complaints against this licensee.
- **Complaint 23-003** – recommendation: defer for consideration at a future meeting.
- **Complaint 23-004** – recommendation: defer for consideration at a future meeting.

Closed Session

Member Ford moved to go into closed session, pursuant to KRS 61.815 and KRS 61.810(1)(c) and (j) to discuss proposed or pending litigation and deliberate on individual adjudications in the following: Alleged Unlicensed Auction Activity in Crockett, Ky., Alleged Unlicensed Activity of M,V., Complaints 23-002, 23-003 and 23-004. Member Brown seconded the motion. All in favor, the motion carried, and the Board moved into closed session at 9:53 A.M. The Board invited PPC, General Counsel Jacob Walburn, to join the closed session.

Reconvene in Open Session

Member Ford moved for the Board to reconvene in open session. Member Brown seconded the motion. All in favor, the motion carried. The Board moved into open session at 10:07 A.M.

- **In Re: Alleged Unlicensed Auction Activity in Crockett, KY:** With the Board having reviewed a report by the Board's investigative staff, Member Johnson moved for the Board to dismiss this matter due

to not having sufficient evidence for the Board to take action. Member Ford seconded the motion. All in favor, the motion carried.

- **In Re: Alleged Unlicensed Activity of M.V.:** Member Johnson moved to assign the matter for an investigation by the Board's investigator. Member Brown seconded the motion. All in favor, the motion carried.
- **Complaint 23-002:** Member Johnson moved to assign for an investigation by the Board's investigator including any additional complaints against the licensee. Member Ford seconded the motion. All in favor, the motion carried.
- **Complaint 23-003:** Member Johnson moved to defer the complaint for consideration at a future meeting of the CRC. Member Brown seconded the motion. All in favor, the motion carried.
- **Complaint 23-004:** Member Johnson moved to defer the complaint for consideration for review at a future meeting of the CRC. Member Brown seconded the motion. All in favor, the motion carried.

Upcoming Meeting

The next regular meeting of the Board had been set for September 13, 2023.

Approval of Per Diem and Travel Expenditures

Member Johnson moved to approve per diem and travel expenditures. Member Brown seconded the motion. All in favor, the motion carried.

Meeting Adjournment

Member Johnson moved to adjourn the meeting. Member Ford seconded the motion. All in favor, the motion carried. Chairman Kirby adjourned the meeting at 10:15 A.M.

Pursuant to KRS 324B.060, I, Kristen Lawson,
Acting Executive Director of the Kentucky Real Estate Authority
(KREA), have reviewed and Approved the expenditures for the meeting
of the Kentucky Board of Auctioneers (the Board) held on August 9, 2023. This
Approval is based upon my review of the expenditures as described in the minutes
and in greater detail as on file with the KREA. I did not review, nor did I
participate in discussions, deliberations, or decisions regarding the actions taken by
the Board at this meeting related to individual disciplinary matters, investigations,
or applicant reviews. The Board approved the minutes of its August 9, 2023
meeting, at its meeting held on September 13, 2023.

Kristen R. Lawson 09/26/2023
Executive Director Date