



Andy Beshear
Governor

Ray Perry
Secretary

**Public Protection Cabinet
Kentucky Board of Auctioneers**

Mayo-Underwood Building
500 Mero Street, 2NE09
Frankfort, KY 40601
<https://auctioneers.ky.gov>

Robert Astorino, Executive Director
Kentucky Real Estate Authority

Molly B. Cassady, General Counsel
Kentucky Real Estate Authority

March 9, 2022
9:30 A.M.

BOARD MEETING MINUTES

A Meeting of the Board of Auctioneers was held via zoom, March 9, 2022, in Frankfort, KY.

MEMBERS PRESENT

Ronald Kirby, Jr.
Gregory Johnson
Bill Patrick
Danny Ray Ford

KENTUCKY REAL ESTATE AUTHORITY

Robert Astorino, Executive Director
Molly B. Cassady, General Counsel
Brian Travis, Investigator
Pam Samples, Board Administrator

CALL TO ORDER:

- Board Chair Kirby called a meeting of the Kentucky Board of Auctioneers to order at 9:40 A.M. Members Kirby, Johnson, Irvin, Yancy, Ford, and Patrick were present, and a quorum was established.

Oath of office for new Board member, Bill Patrick

- Bill Patrick was given the Oath of Office by Chairman Kirby.

Approval of the February 2022 Meeting Minutes:

- Member Johnson made a motion to approve the February 9, 2022, Board meeting minutes, Member Ford seconded the motion. All in favor, the motion carried.

Executive Director Comments:

- Director Robert Astorino addressed the Board and welcomed new Board member, Bill Patrick. Director Astorino addressed the legislative session and remarked that the Auctioneers bill that was filed seemed to be making good progress, as it passed the House. He also commented on

how the complaints are being handled and thanked General Counsel Cassidy and Investigator Brian Travis for all their hard work on getting these resolved. He addressed the proctored exam process through KCTCS and how we were working through glitches and how things seem to be heading in the right direction.

New Business/Old Business/Miscellaneous Matters

- **Proctored exams through KCTCS**

Board Coordinator Pam Samples stated that since the February update, 9 people have taken the exam and out of those, 8 people had passed the exam and 1 person had failed. At this time, we have more people registered to take the exam in the near future.

- **Study Guide for exam on website:**

Board Chairman Kirby stated that they study guide was updated several years ago and that the Auction House Operator and Limited Livestock scores were lowered to 60% for pass rate, while the Principal and Apprentice scores were kept at 75%. He opened the floor up for comments from the Board members. General Counsel Molly Cassidy asked the Board members if they wanted to change the passing scores to make them all 75%, as this was a Board decision. Member Ford stated he felt that the 60% passing score for Auction House Operator's was low because they handled people's money and he thought the score needed to be higher. Member Johnson stated that he thinks all scores need to be consistent across the board for all licensees, member Ford agreed. General Counsel Cassidy stated that no regulation needs to be changed to make this happen, that the Board just needed to vote on this. Member Johnson asked if we could take this up at the May board meeting. All agreed.

- **Auction House Operator License:**

General Counsel Cassidy stated that a situation had been brought to their attention about an AHO operating without a license. Investigator, Brian Travis, spoke about the issue of someone running an Auction House without a Principal Auctioneer. When he reached out to the person running the Auction House he was told that they did have a Principal doing the auctions but they did not have an AHO license. When Investigator Travis reached out to the Principal auctioneer he did say that he had been doing some of the auctions but that the person running the auction house did not have an AHO license. General Counsel Cassidy reads the statute aloud to the Board members that an Auction House Operator's license is required if running an Auction House if they are not a Principal auctioneer. Member Ford states that the intent of this statute is that if you are a Principal operating an Auction House, then you do not have to have the AHO license, but if you are not a Principal auctioneer you do. Investigator Travis asks the Board if the Principal auctioneer is in violation for conducting auctions for someone that is not licensed as an AHO. Member Patrick states he believes that the Principal is in violation for doing auctions at an auction house where the owner is not licensed. Member Johnson also stated that if sales tax is not being collected properly, that is a violation also. General Counsel Cassidy stated that the Board can vote to file a complaint so that Investigator Travis can investigate this matter. Member Johnson motioned for a complaint to be filed, and member Ford seconds the motion. All in favor, the motion carried.

- **Letter from Charles Mosley:**

Member Johnson motioned that Mr. Mosley needs to take the 80-hour class and retake the Principal exam. Member Ford seconded the motion. All in favor, the motion carried.

- **Thomas Stewart:**

Member Ford motioned that Mr. Stewart needed to take the Core class and retake the Apprentice exam. Member Johnson seconded the motion. All in favor, the motion carried.

- **Update on investigations:**

General Counsel Cassidy stated that Investigator Brian Travis will give his findings of the ongoing investigations in the following cases.

- 21-004
- 21-007

- In accordance with the requirements of KRS 61.810(1)(c) and (j) the Board went into closed session at 10:45 AM, Member Johnson made a motion to enter executive session. Member Ford seconded the motion. All in favor, the motion carried.
- At 11:25 AM, Member Johnson made a motion to enter open session. Member Ford seconded the motion. All in favor, the motion carried.
- Member Johnson made a motion for case number 21-004, that the licensee be fined \$2000.00, be suspended for 12 months, take 12 hours of continuing education consisting of the Core course, Ethics, and Law. Proof has to be sent to the board that these classes have been completed and the Principal exam has to be taken and passed to have license reissued once the 12 months is over. The Board will also send this information to the Ohio board of licensure. Member Ford seconded the motion. All in favor, the motion carried.
- Member Ford made a motion for case number 21-007, that the case be dismissed with caution and a letter be sent to the auctioneer. Member Johnson seconded the motion. All in favor, the motion carries.

Legal update:

- General Counsel Cassidy told the Board members that they would all be issued a state government email account to conduct Board business. All Board members will get communication from out IT and COT department in setting those accounts up.

Meetings for 2022

- April 13, May 11, June 8, August 10, September 14, October 12, November 9, and December 14. Chairman Kirby states that all meetings are subject to change and in the past we have combined the November and December meetings due to the holiday schedule.

Approval of Timesheets

- Member Johnson made a motion to approve timesheets, and Member Ford seconded the motion. All in favor, the motion carried.

Meeting Adjournment

- Member Johnson made a motion to adjourn, and Member Ford seconded the motion. With no further business to discuss, Board Chairman Kirby adjourned the meeting at 11:40 A.M.

I, Robert Astorino, Executive Director of the Kentucky Real Estate Authority, have reviewed and pursuant to KRS 324B.060, have Approved the expenditures of the

**Kentucky Board of Auctioneers
as described in these attached minutes.**

Meeting Date: March 9, 2022.

I have not reviewed, nor did I participate in discussions, deliberations, or decisions regarding, the actions of the Board as it relates to individual disciplinary matters, investigations, or applicant reviews.



Robert Astorino

Robert Astorino, KREA Executive Director

Date: March 21, 2022