



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

May 11, 2022
9:30 A.M.

BOARD MEETING MINUTES

A Meeting of the Board of Auctioneers was held via zoom, May 11, 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 9:34 A.M. Members Kirby, Johnson, Ford, and Patrick were present, and a quorum was established.

Approval of the April 2022 Meeting Minutes:

- Member Ford made a motion to approve the April 13, 2022, Board meeting minutes, Member Johnson seconded the motion. All in favor, the motion carried.

Executive Director Comments:

- Director Robert Astorino addressed the Board and commended them on not having any open complaints. He reminded the Board members that since the State of Emergency was over, that every Board member had to be seen and heard on the meeting via zoom or in person. He spoke about the education providers that are working on getting cross education courses ready for approval by the boards. He let the Board members know that HB 91 had passed concerning fees charged to military spouses that will go into effect July 1, 2022.

New Business/Old Business/Miscellaneous Matters

- **Proctored exams through KCTCS**

Board Coordinator Pam Samples stated that since the April update, 7 people have taken the exam and out of those, 6 people had passed the exam and 1 had failed. We have a total of 40 people that have signed up to take the exam since January. At this time, we have more people registered to take the exam in the near future.

- **Licensees that have expired due to non-payment for 2020 and/or 2021:**

Board coordinator, Pam Samples stated that the renewal reminders for these licensees went out on March 23, 2022, to let people know that their licenses would be cancelled on April 21, 2022, if the past due renewals were not paid by April 20, 2022. Ms. Samples also stated that she called everyone on the list and lots of people had non-working numbers, or no voicemails. This is a violation to not keep the Board updated of any changes. We have been receiving a lot of the undelivered mailings back due to the address no longer being correct. The majority of people that she talked to said they had quit during covid and would not be renewing. Some of these licensees are now licensed Principals in good standing and their AHO or Apprentice license was let go. Board Chairman Kirby stated that the licensees were given 4 extra months to renew, and they are responsible to know when they are supposed to renew and doing so on time. No one would be allowed a hardship pass and would have to retest if they wanted to get their license back.

- **Exam scores on study guide:**

Currently the exam scores are 60% for a passing grade for Auction House Operators and Limited Livestock Auctioneers. The Apprentice and Principal scores are currently 75%. Chairman Kirby and Member Ford feel like these scores should be all 75% across the board. General Counsel Cassidy and Investigator Travis spoke to the challenge of getting people running Auction Houses licensed and thought the scores should be left as is, and the study guide looked at to see if it needed to be improved. Member Johnson stated that once these people were licensed, they are subject to yearly continuing education that will help them to be more educated about the laws, so he feels like the scores could be left as is. The Board did not vote on this matter at this time.

- **Approval of Education course submitted by Kentucky Auction Academy:**

Board Chairman Kirby stated that this was also a class that will be used as a common ground training class amongst other Boards, but we needed to vote to see if the KBOA approved it for one of their courses first. After a brief discussion about the course material the vote was taken. Member Ford motioned that they approve the course, Member Johnson seconded the motion. All in favor, the motion carried. Kentucky Auction Academy now needs to present the course to the other Board coordinators for approval.

- **Impact of new legislation to our Board:**

HB436 passed this session but will not go into effect until 90 days after the session was over. The Board is granted emergency subpoena and suspension powers over all licensees. Starting with

the 2024 renewal period, it will be a biennial renewal so licensees will renew for two years, but still have to get continuing education every year.

Legal impact will be just getting the statutes and regulations changed to match the new legislation. IT impact will be getting the DPL system set up to make the renewal starting in 2024 a biennial renewal, and website changes will have to be made to show this change. Director Astorino stated that the Fiscal impact should not be any issue and will have KREA Fiscal coordinator, Brian Nesselrode to be present for the June meeting to give the Board an update on that.

- The Board did not go into executive session.

Legal update:

- General Counsel Cassidy stated that the Board had no new legal complaints. She stated that HB91 would not need any changes to the statutes.
- Sealed bidding by Real Estate Brokers was discussed and General Counsel Cassidy read the statute concerning sealed bids to the Board members. Member Ford felt that sealed bids were auctions and that more information needed to be obtained to as how these bids are being handled, and he felt the statute needed to be clarified as he didn't feel it was set up to be intended to let this happen without an auctioneer. Chairman Kirby agreed with Member Ford and asked General Counsel Cassidy to look into this more and put this back on the June Agenda meeting for further discussion.

Meetings for 2022

- 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 Ford made a motion to adjourn, and Member Johnson seconded the motion. With no further business to discuss, Board Chairman Kirby adjourned the meeting at 10:50 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: May 11, 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: May 13, 2022