



# KENTUCKY AUCTIONEER NEWSLETTER

<http://auctioneers.ky.gov>

Official Publication of the Kentucky Board of Auctioneers      October 2006 No. 38

## A MESSAGE FROM CHAIRMAN BIRDWHISTELL



At the July Board meeting my fellow board members elected me as the Chairman for the next fiscal year. My goal for 2007 is to look at the educational opportunities the Board and the Kentucky Auctioneers Association working together can provide for all Kentucky auctioneers. I personally feel that we have areas that we need to emphasize and the best method that we have is through the seminars that will be coming up next year. If you have recommendations on subjects that you feel are important please feel free to send your recommendations to the Board.

When we conduct an auction, the auctioneer, the ringmen and clerking personnel are on center stage. Let's show the public by the manner in which we conduct our auctions that we are professionals. A satisfied client and customer is the best advertisement you can get. The auction method of marketing is on the rise nationwide; let's take advantage of it here in Kentucky.

2006 is very fast coming to a close. I hope you have had a good auction year. The board members and staff would like to take this opportunity to wish you and your family a Happy Holiday season.

\*\*\*\*\*

## GOVERNOR FLETCHER APPOINTS BOARD MEMBERS



Governor Ernie Fletcher appointed Consumer Member **L. Joe Walden** and Auctioneer **J. Randall Bush** to the Kentucky Board of Auctioneers. Their terms are July 1, 2006 through June 30, 2009.

Commissioner Walden and his wife, Naomi, live in Scottsville in Allen County. "I have lived on the same farm in Allen county for most of my life. I've milked cows, raised beef cattle and grown tobacco. After high school I began working as a carpenter. I've done just about everything involving building a house from cutting timber to trim work. Now I do smaller remodel jobs and manage my mother's beef cattle farm. As a child I listened to the Grand Ole Opry. Leroy VanDyke's "Auctioneer" was one of my favorite songs. My father and I spent many Saturday

mornings at public auctions. I remember Bud Greenup, standing on a pickup tailgate, saying "now boys, it's not going to get any cheaper". I've bought and sold real estate at auction, sold livestock, tobacco and personal property. I've even attended horse sales, though not like the ones at Keeneland. History, government and civic affairs have always been a special interest of mine. I appreciate Governor Fletcher for appointing me to this Board. I will strive to be worthy of the confidence he has in me. I look forward to working with and learning from my distinguished colleagues and serving the people of Kentucky."

Commissioner Bush and his wife, Debbie, live in Elizabethtown in Hardin County. He had previously served the Kentucky Board of Auctioneers from August 1996 through June 2005. Commissioner Bush has been a licensed auctioneer since 1984. Randy is a nationally known livestock auctioneer, especially in the goat industry, and is active as a car auctioneer.

"I received a full pardon, I mean retirement, from the KSP in November 1984. I had my auctioneer's license at that time and began full-time auctioneering. I started selling automobiles, real estate, farm machinery, livestock, and personal property at that time and have been busy ever since. I have conducted auctions in 20 states and at one time I had licenses in 17 states. The ones that required them."

The Kentucky Board of Auctioneers welcomes our two new Commissioners!

# How to Handle Angry Customers

By Dr. Andrew Edelman

Customer satisfaction has never been more important in the growth of a company than it is today. But, customer service disagreements and disputes, if not carefully managed, can escalate into more severe confrontations, with resulting negative effects including loss of the customer, lawsuits, even violence.

What causes conflicts to escalate? The following are the most common communication pitfalls that show how managers can enrage a customer by what they say and how they say it:

- (1) Attacking the person rather than the problem – making personal attacks or statements, which belittle the individual instead of working to solve the issue.
- (2) Over control -- Wielding authority, using your position of power to intimidate or push others around without attempting to solve the problem.
- (3) Cultural ignorance -- disrespecting diverse cultural communication patterns; folding arms or staring in a defensive manner when approached by someone with difficult-to-understand accents or differences in dress or appearance.
- (4) Re-escalation -- Causing a person's anger or hurt feelings to resurface after the original disagreement was successfully defused.
- (5) Lack of audience awareness -- Ignoring the crowd of curious onlookers who may very quickly gather at the scene. This can prove extremely dangerous if the crowd becomes hostile.
- (6) Counterproductive language and phrases -- focusing on unchangeable past events or negative imagery, using "red" (inflammatory) trigger words, or other discussion about events which are likely to cause the client's temper to flair or anger to increase.
- (7) Failure to allow someone to vent -- interrupting or preventing an angry person from completing a thought or expressing his or her side of the story. This only serves to bury the real "fear" or issue and often results in increased frustration and an escalation of tempers.

What can managers do to improve managerial communication with difficult or angry customers? Below are some key conflict management strategies that can make a significant difference in effectively resolving disagreement and disputes.

- (1) Establish a connection. Managers should use verbal and non-verbal language in ways to create an atmosphere of interest and genuine concern. Practitioners should avoid negative imagery-generating phrases ("red" words) such as "What's the problem?!" or exhibit body language that sends a message of disinterest or disrespect. Managers will find greater success by using positive power phrases or "green words" such as:
  - Tell me what happened.
  - How can we work together on this?
  - Let's solve this together.
  - I'm sorry that you had a negative experience.
  - I'll be happy to assist you.
- (2) Acknowledge their feelings. It is important for managers to acknowledge a person's perspectives, points of view, and feelings of stress, anger, or fear. Even if the customer's way of viewing the situation may not match theirs. In fact, the person yelling the loudest is often the person who feels the greatest lack of control and, deep down, is seeking someone who will understand their pain. Best practice phrases include:
  - I respect how you feel.
  - You are absolutely right to feel that way.
  - I'd probably feel the same way if that happened to me.
  - I really want to work with you to resolve this situation.
- (3) Explore options. Conflict resolution must be a partnership. This why it is critical for managers to always include the customer in the decision making process. Rather than assuming what the customer wants, ask. Often, the actual solution is quite simple. If the customer's need or want is unrealistic or counter to company regulations, explore and offer additional choices and let the customers take ownership in their decisions: "Although this television brand is out of stock, I would like to show you some of our new upgraded entertainment centers that I believe will meet or exceed your expectations."
- (4) Negotiate a resolution. Once the customer has agreed to a course of action, managers should document the decision choice and give a copy to the customer. This cements the agreement and partnership in the problem-solving process and gives feelings of control back to the customer.

Dr. Andrew Edelman has more than 20 years of experience in conflict management, crisis prevention and juvenile justice. He has helped universities, government and business. He serves as a consultant with the National Association for Bank Security. He is a graduate of Carnegie-Mellon University and has a Master's degree from the University of Southern California. For more information on his speaking and consulting, please visit: [www.drandyedelman.com](http://www.drandyedelman.com). Reprinted from the NAA September 2006 magazine, and with the permission of Dr. Edelman.

## LICENSE UPDATE

The following chart is current as of 10/7/06

	TOTAL COUNT	P	NP	RP	A	NA	RA	AHO	L
<b>ESCROW</b>	<b>112</b>	<b>50</b>	<b>8</b>	<b>1</b>	<b>51</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>ACTIVE</b>	<b>2,306</b>	<b>1,230</b>	<b>98</b>	<b>338</b>	<b>534</b>	<b>9</b>	<b>1</b>	<b>73</b>	<b>23</b>
<b>TOTAL LICENSED</b>	<b>2,418</b>	<b>1,280</b>	<b>106</b>	<b>339</b>	<b>585</b>	<b>10</b>	<b>1</b>	<b>74</b>	<b>23</b>

## 2006 RENEWAL

License renewal forms were mailed to all licensees the last week of May. Late renewal forms were mailed in late July. A total of 2,418 licensees are renewed and 193 licensees are not renewed.

The following persons have not renewed as of October 7, 2006.

**Licenses were canceled 7/1/06 and the following individuals may NOT perform auctioneering activities regulated by KRS Chapter 330.**

Michael L. Ackerman NP6133  
 Tammy B. Ackermann A2527  
 Steven D. Amsler P472  
 Bertha Ann Armes AHO2479  
 Gary Lee Armes AHO2478  
 Jerry Lee Armes A2550  
 George K. Ashley Jr. A291  
 William R. Baker P1764  
 John P. Bakitis RP2791  
 Paul R. Barber RP7323  
 Thomas R. Baxter A113  
 Gary Lynn Beecham RP2197  
 Newt Billings RP7130  
 Jerry Bouchard RP2549  
 Gerald A. Bowie RP7078  
 Michael S. Brandy RP7400  
 Gregory D. Branstetter P1429  
 Stephen K. Brewer A957  
 William Harris Brown P858  
 Walter R. Byrd RP2504  
 Herbert H. Carney P1691  
 Allyson Susanne Cave A2718  
 Jim J. Chatman AHO814

John B. Christie A2196  
 Brent P. Clark P2126  
 Denzil L. Clark P6045  
 James F. Clater Sr. RP2809  
 Harold E. Corder II A2482  
 Matthew Dain Coulter A2447  
 Sean W. Cowen NP840  
 Richard D. Crum RP7008  
 Otha C. Currens A2685  
 John Franklin Daugherty A2401  
 Walter Ray Davenport RP2464  
 Mark Allen Dennis A2409  
 Norman L. Dennison P2090  
 Dariel Wayne Devore P1705  
 Robert A. Dones RP7290  
 Ross Dove NP6129  
 Todd L. Downs NP809  
 Kevin B. Drane P740  
 Joshua Aaron Duncan A2430  
 Stephen A. Dungan A700  
 William D. Dyer A417  
 Brent A. Earlywine RP7295  
 David M. Easter RP7119

Shirley B. Elliott AHO813  
 Carlyle Dale Ellison AHO2198  
 Carlyle Dale Ellison A2406  
 Harold G. Embry P2110  
 Herbert W. Erwin RP7098  
 Everett Everage Jr. P121  
 Terri L. Fairchild AHO7415  
 Harold G. Ferrell RP7029  
 Louis Benjamin Fisher III RP2624  
 Scott F. Foster NP2639  
 John B. Fugate IV A911  
 Brian Lee Fulton L2498  
 Frank L. Gessner RP917  
 Larry Russell Gillette A2625  
 Deborah B. Godby A935  
 Richard L. Godby P1589  
 Jimmy D. Greathouse A1692  
 Don Wayne Green RP2463  
 Johnny N. Green RP7027  
 Gordon Jeremy Greene RP2465  
 John M. Greenwell P1245  
 Chad B. Groce A2450  
 Norman D. Hagan P1395

Douglas A. Hale A428  
Joe L. Hamilton P590  
Delmer Franklin Hammond A974  
Caroline A. Hammontree AHO5083  
Dawn E. Hampton AHO5077  
John Wilson Hampton A980  
William J. Hampton P2304  
Darius Benjamin Hankins A2748  
Terry L. Hatton NP1258  
Odress R. Hawkins P1866  
Bill R. Hayes Jr. AHO2570  
M. Scott Heise RP948  
Joetta Helton AHO2398  
M. Alan Hensley A2648  
Darrick L. Herndon P525  
Eric Scott Hester AHO2623  
Paul R. Holliger A367  
Dennis E. Hurst P1942  
Johnnie M. Isaacs P1426  
Brian Lee Jacobs RP838  
Bill D. James P1007  
James Ronald Johnson A2670  
Randall Jones AHO2334  
Elaine W. Jones-Prueyear AHO2854  
Klayton Juillerat RP86  
Rodney Dean Kankey RP2135  
Calvin C. Kaufman NP6114  
Gregory S. Keays A644  
Floyd Kelly RP7194  
Mark Eugene Kennedy NP1357  
Thomas Bradley Klug RP2793  
Roger Wayne Lambert A2687  
Kenneth R. Leasor P1389  
Albert C. Lee Jr. P712  
Lynn C. Lee RP7145  
Gary L. Libs RP7065  
Ronald B. Lively A596  
Maurice D. Marr A515  
Natalie D. Marshall A785  
Paul Z. Martin Jr. RP2584  
Hobert J. Mason A371  
Jackie W. Mattingly P1558  
Tanya R. Maynard A2740  
John P. McCuiston A774  
Jenny Callihan McGohon AHO2562  
William R. McKinney RP7015  
James C. McMurray RP7218  
Buddy C. E. Means Jr. P1167  
Paul F. Mik Jr. P1151  
David Scott Miller A2601  
Robert Miller RP2201  
Todd Owen Moodispaugh RP2731  
Mark David Moore RP2715

Marty B. Moore A455  
Vechil D. Mouser AHO5089  
Georgia A. Munn AHO5131  
Charlie L. Murphy P1176  
Gary Dale Nash A2316  
D. Stephen Noble A830  
Dana Osborne AHO2642  
Steven E. Overton A2404  
Marcus Owens Jr. P1317  
~~Robert W. Owings RP2713~~  
Collin A. Painter RP2412  
Spencer R. Pittman P2046  
Elaina Joy Porter A2732  
~~John L. Potts P516~~  
Joshua Alan Pound A2770  
Audie M. Price Jr. P1682  
Edward Arnold Puckett A2739  
John C. Rademaker NP6130  
Daniel George Reimold RP2193  
John M. Riley A637  
Terry D. Riley A197  
Steven A. Rish RP1581  
Jason Luke Roberts A2415  
Roger Arlie Robinson RP2824  
Curtis C. Rodgers NP6132  
Matthew R. Rodgers P1057  
Kenneth Nelson Roebuck RP2738  
Nancy E. Roy AHO5006  
Gary W. Royalty A639  
Jeffrey Louis Satz RP2745  
Jodi Dian Scott NP893  
William T. Sebastian P1504  
Matthew R. Shipman NP2545  
Delane Simpson A88  
Roberta F. Smith AHO5041  
Charles Jason Spence RP2608  
Roger Perry Spencer RP2585  
Jeffrey Scott Stansberry RP2710  
Brian T. Stedelin A739  
Nedria F. Stephenson RP2782  
James W. Stump A560  
~~David A. Tooman RP7127~~  
Earl G. Thoma RP7311  
Angie Kay Tillman AHO888  
Logan R. Towery P1461  
Mona L. Tully A544  
Joel D. Utley P1921  
Michael Joseph Vanhooose A2835  
Harry Donnelle Vinegar AHO2814  
Harry Donnelle Vinegar A2801  
E. Frank Vinson A677  
Jerry F. Wachter P2321  
John L. Waddell RP7263

Charles E. Watson RP7031  
Larry Allen Watson RP2712  
Stephen B. Watson A168  
Joe D. Webb A995  
Michael T. Wells P1140  
Bobbie Jo Wetenkamp P2541  
Thomas G. White P2176  
Ronald G. Whitlock A220  
David W. Williams P1222  
Rebecca Lynn Wilson AHO2428  
Leslie Ray Winchester A684  
Leigh Wayne Wissinger RP2579  
Troy Dean Wood AHO2400  
Wallace G. Woodruff III RP2852  
Elmer R. Woody A2842  
Katie B. Woody P584  
Emilie Grace Yochim A2771  
Doris Evonne Young AHO2615



## IN MEMORY

*The Kentucky Board of Auctioneers sends their sincere condolences to friends and families of the following auctioneers:*

Roger L. Bivens, P1422, Vanceburg

Gary D. Botts, P1902, Ashland

William C. Browning, A475, Lowmansville

Frank N. Dykes, P1241, Winchester

James R. Giller, P1547, Kevil

Bruce S. Goodlett, P1590, Salvisa

Charlie F. Hannah, RP2849, Lawrenceburg TN

William C. Hoffmeier, RP7084, Lawrenceburg OH

Willard C. Mitchell, RP7236, Byrdstown TN

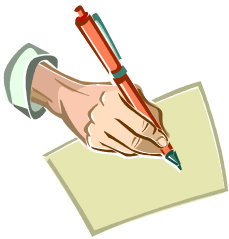
Norbert L. Peak, P2274, LaGrange

Stanley E. Stout, NP6018, Cottonwood Falls KS

Arlin E. Wright, P2015, Hopkinsville



### KBA DESK NOTES



**ISSUE 1:** Many calls and complaints have been received from sellers who have not settled within 30 days of the auction. KRS 330.110 (5), a license can be revoked for “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, or failing to keep such funds of others in an escrow or trustee account”. According to 201 KAR 3:045, settlement with the seller must occur within 30 days after the conclusion of the auction, unless there is a legal requirement that funds held in escrow be held longer

than 30 days. An escrow account is a necessity for any auctioneer or auction house operator who signs an auction listing contract!

**ISSUE 2:** An auction house operator can only contract an auction at the auction house that is specified on the Auction House Operator License. If the contract auctioneer who is calling bids at an auction house has an auction at a site other than the auction house, the auction house operator is not a party to this particular auction.

**ISSUE 3:** Renewal process of reciprocal licenses will be the same as June 2006 renewal. All reciprocal licensees will submit a Letter of Good Standing from their home jurisdiction with their renewal fee and form. NOTE: the Letter of Good Standing will not be accepted if it older than 3 months. If a home jurisdiction requires completion of continuing education, the reciprocal licensee does not submit proof of CE to Kentucky. If a home jurisdiction does not have a continuing education requirement, that reciprocal licensee must submit proof of six hours of CE, earned from July 1, 2006 through June 30, 2007, to the Kentucky Board of Auctioneers for renewal of his/her license.

**ISSUE 4:** After a licensee reported that he had been cited and was due in court for auctioning a deer head, Compliance Officer Herman checked with the Department of Fish and Wildlife. Their suggestion was to not auction such items. The penalty is \$100 to \$1,000 for first offense - KRS 150.990(8). They recommend sellers to hand them down to family or friends. It is recommended to contact your local Fish and Wildlife agent.

**ISSUE 5:** Having received calls about firearms at auction, I asked other state Board Directors if they had something directly from ATF. Following are excerpts from a handout by the ATF sent to me by D. Brinker of Ohio. Please contact ATF (800)688-9889 for clarification or questions.

**What can you do as a licensed auctioneer selling firearms, without a Federal firearms license?**

- You can act as the agent for a seller, in an Estate-type<sup>1</sup> auction, to arrange the sale of firearms for the seller, as long as the seller and buyer reside in the same state.
- You can act as the agent for a seller, in an Estate-type<sup>1</sup> auction, to arrange the sale of firearms to a person that is a Federal firearms licensee from any state.

**What you cannot do as a licensed auctioneer selling firearms, without a Federal firearms license?**

- You cannot transfer firearms (handguns or long guns) to a resident of another state.
- You cannot take possession of the firearms prior to the auction, in an Estate-type<sup>1</sup> auction.
- You cannot take firearms on consignment, even to sell at an Estate-type<sup>1</sup> auction.

**What can you do as a licensed auctioneer selling firearms, with a Federal firearms license?**

- You can transfer firearms to residents of the state where you are licensed.
- You can transfer long guns (rifles and shotguns) to residents of another state, if the purchaser meets with the licensee in person at the licensee's premises to accomplish the transfer, sale or delivery of the rifle or shotgun.
- You can transfer hand guns (pistols and revolvers) to residents of another state, if you transfer the hand gun to a licensed dealer in the buyer's state for further transfer to the unlicensed individual.
- You can act as the agent for a seller, in an Estate-type<sup>1</sup> auction, to arrange the sale of firearms for the seller, as long as the seller and buyer reside in the same state, without requiring the buyer to complete a Form 4473 and without effecting the transfer at your licensed premises.
- You can hold a Consignment<sup>2</sup> auction at your licensed premises and sell firearms that are owned by others, but in your possession, and make the transfers after completion of the ATF F 4473 and a 'proceed' from the NICS check.

---

**1 Estate-type auction:** *articles to be auctioned, including firearms, are sold by the executor of the estate of an individual. In these cases the firearms belong to and are possessed by the executor. The auctioneer acts as an agent of the executor and assists the executor in finding buyers for the firearms. The firearms are possessed by the estate and their sale to third parties is controlled by the estate. The auctioneer is paid a commission on the sale of each firearm by the estate at the conclusion of the auction.*

**2 Consignment-type auction:** *an auctioneer may take possession of firearms in advance of the auction. The firearms are inventoried, evaluated and tagged for identification. The firearms belong to individuals or businesses who have entered into a consignment agreement with the auctioneer giving the auctioneer authority to sell the firearms. The agreement states that the auctioneer has the exclusive right to sell the items listed on the contract at a location, time and date to be selected by the auctioneer. The agreement also provides for the payment of a commission by the owner to the auctioneer. The consignment-type auction generally involves accepting firearms for auction from more than one owner. Also, these auctions are held on a regular basis, for example, every 1-2 months.*

---

**Bureau Rulings Subpart C – FIREARMS 18 V.S.C. 923(a)  
ENGAGING IN THE BUSINESS OF DEALING IN FIREARMS (AUCTIONEERS)**

Auctioneers who regularly conduct consignment-type auctions of firearms, for example, held every 1-2 months, on behalf of firearms owners where the auctioneer takes possession of the firearms pursuant to a consignment contract with the owner of the firearms giving the auctioneer authority to sell the firearms and providing for a commission to be paid by the owner upon sale of the firearms are required to obtain a license as a dealer in firearms.

**ATF Rul. 96-2**

An association of auctioneers has asked the Bureau of Alcohol, Tobacco and Firearms (ATF) for a ruling concerning the auctions conducted by their members and whether the sale of firearms at such auctions requires a Federal firearms license as a dealer in firearms.

The auctioneers association stated that their members generally conduct two types of auctions: estate-type auctions and consignment auctions. In estate-type<sup>1</sup> auctions, articles to be auctioned, including firearms, are sold by the executor of the estate of an individual. In these cases the firearms belong to and are possessed by the executor. The auctioneer acts as an agent of the executor and assists the executor in finding buyers for the firearms. The firearms are possessed by the estate and their sale to third parties is controlled by the estate. The auctioneer is paid a commission on the sale of each firearm by the estate at the conclusion of the auction.

The association states that, in consignment-type auctions, an auctioneer may take possession of firearms in advance of the auction. The firearms are inventoried, evaluated, and tagged for identification.

The firearms belong to individuals or businesses who have entered into a consignment agreement with the auctioneer giving the auctioneer authority to sell the firearms. The agreement states that the auctioneer has the exclusive right to sell the items listed on the contract at a location, time, and date to be selected by the auctioneer. The agreement also provides for the payment of a commission by the owner to the auctioneer. The consignment<sup>2</sup> type auctions generally involve accepting firearms for auction from more than one owner. Also, these auctions are held on a regular basis, for example, every 1-2 months.

Section 923(a), Title 18, V.S.C., provides that no person shall engage in the business of dealing in firearms until he has filed an application and received a license to do so. Section 922(a)(1), Title 18, V.S.C., provides that it is unlawful for any person, other than a licensee, to engage in the business of dealing in firearms. Licensees generally may not conduct business away from their licensed premises.

The term “dealer” is defined at 18 V.S.C. 921(a)(11)(A) to include any person engaged in the business of selling firearms at wholesale or retail. The term “engaged in the business” as applied to a dealer in firearms means a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. A dealer can be “engaged in the business” without taking title to the firearms that are sold. However, the term does not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms. 18 D.S.C. 921(a)(21)(C).

In the case of estate-type<sup>1</sup> auctions, the auctioneer acts as an agent of the executor and assists the executor in finding buyers for the estate’s firearms.

The firearms are possessed by the estate, and the sales of firearms are made by the estate.

In these cases, the auctioneer does not meet the definition of “engaging in the business” as a dealer in firearms and would not require a license.

An auctioneer engaged in estate-type auctions, whether licensed or not, may perform this function, including delivery of the firearms, away from the business premises.

In the case of consignment-type auctions held on a regular basis, for example, every 1-2 months, where persons consign their firearms to the auctioneer for sale pursuant to an agreement as described above, the auctioneer would be “engaging in the business” and would require a license. The auctioneer would be disposing of firearms as a regular course of trade or business within the definition of a “dealer” under 921(a)(11)(A) and must comply with the licensing requirements of the law.

As previously stated, licensed auctioneers generally must engage in the business from their licensed premises. However, an auctioneer may conduct an auction at a location other than his licensed premises by displaying the firearms at the auction site, agreeing to the terms of sale of the firearms, then returning the firearms to the licensed premises for delivery to the purchaser.

**Held:** Persons who conduct estate-type auctions at which the auctioneer assists the estate in selling the estate’s firearms, and the firearms are possessed and transferred by the estate, do not require a Federal firearms license.

**Held further:** Persons who regularly conduct consignment-type auctions, for example, held every 1-2 months, where the auctioneer takes possession of the firearms pursuant to a consignment contract giving the auctioneer the exclusive right and authority to sell the firearms at a location, time and date to be selected by the auctioneer and providing for a commission to be paid upon sale are required to obtain a license as a dealer in firearms pursuant to 18 D.S.C. 923(a).

## NATIONAL SPOTLIGHT

### 2006 NAA CONFERENCE, ORLANDO FL

George M. Kurtz of Morganfield was inducted into the NAA Hall of Fame. Mr. Kurtz has been licensed in Kentucky since July 1962. He founded Kurtz Realty and Auction Company in 1945 in Union County. During his term as fifth president of KAA, the Auctioneers Act of 1962 (KRS Chapter 330) was passed.

Sammy L. Ford of Mt. Vernon was Division Winner in the Marketing Competition in Advertising / Public Relations – Television Commercial.

James Devin Ford of London was a finalist in the International Auctioneer Championship. Of the 67 in the men's division, only 15 were medaled as finalists.

Congratulations to all of these fine Kentucky gentlemen!

## FAREWELL TO COMMISSIONER KURTZ WILLIAMS AND COMMISSIONER YANCEY

With the appointment of new commissioners, we say goodbye to Commissioner Clarence A. Yancey and Commissioner M. J. Kurtz Williams.

Mr. Yancey had been with the Board since July 2000. As the consumer member, his neutral opinions and business sense have added to the Board's experience. Clarence, his wife Sheila, and his son live in Louisville in Jefferson County.

Mrs. Williams had been with the Board since July 2003. She is particularly concerned about illegal auctions and auctioneer ethics. Ms. Williams is a staunch supporter of continuing education. Martha and her husband Bill live in Sturgis in Union County.



The Kentucky Board of Auctioneers and its staff thank Mrs. Williams and Mr. Yancey for their dedication.



## **THE IMPORTANCE OF CONTRACTS**

By Secretary Counselor Herbert Van Arsdale, II

The Board wishes to remind all licensees of the absolute necessity of entering into a proper, valid and adequate contract with your client. By far the majority of disciplinary cases handled by the Board involve contract problems and disputes. Surprisingly, many complaints are made in cases in which the auctioneer neglected to enter in a contract at all. This automatically puts the licensee on the defensive and in a bad light.

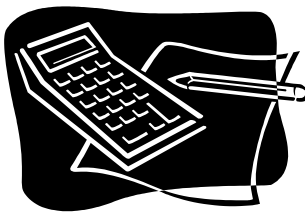
In absolute auction contracts, the required provisions of KRS 330.220 are omitted often enough to cause many Board complaints. There is no contract form adequate for all types of sales. Make sure your contract is the right one for the type of sale you are conducting.

A contract must provide for mutuality and proper consideration in all sides. It should be understandable, and adequately describe the property to be sold. The commission should be set out clearly, and the basic obligation of the parties made clear. The contract must comply with all Federal, State and local laws.

While the Board does not dictate or insist upon any particular form, instead giving the choice to the licensees to legally agree with their clients as they see fit, the Board will require adequate contracts for each fact situation brought before it in any complaint.

Do not hesitate to contact your lawyer for contract advice. You may also choose to contact the Kentucky Auctioneers Association for contract suggestions.

The Board utilizes Continuing Education as another ongoing means of providing advice and information to each licensee on this issue. The importance of adequate contracts cannot be overstated.



### **Kentucky Board of Auctioneers 2007 Examination Schedule UL Shelby Campus**

The 2007 exam dates are: February 22, May 10, August 9, and November 15

The exam applications and the study guide are available on KBA's website at <http://auctioneers.ky.gov>

The application is completed by the applicant on his/her computer, and then printed out, signed and mailed to KBA. The application must be received by the Kentucky Board of Auctioneers at least 20 days before the examination date.

**2007 CONTINUING EDUCATION SEMINARS**  
**9:00 AM – 12:00 Noon and 1:00 PM – 4:00 PM**

Monday, February 19	Lexington, Crowne Plaza Hotel – The Campbell House 1375 Harrodsburg Rd. Eastern Time
	Due to the co-sponsorship of KBA and KAA, there is no registration fee for these 2 seminar sessions. The Kentucky Board of Auctioneers recognizes the importance of the Kentucky Auctioneers Association and its contribution to the profession. Speakers and topics TBA.
	The KAA Convention is February 17, 18 & 19 and KAA is celebrating 50 years. Join KAA and this camaraderie of fellow auctioneers and spend the weekend in Lexington. Among the activities for KAA members, there will be additional seminars, banquet, fun auction, and the Champion of Champions Bid Calling Contest.
Tuesday, April 17	<b>Morehead</b> - Morehead Conference Center, 111 E. First St. Eastern Time
Tuesday, April 24	<b>Louisville</b> - Executive Inn, 978 Phillips Ln., Label Room (hotel across the street from last year's site) Eastern Time
Tuesday, May 15	<b>Cadiz</b> - Lake Barkley State Resort Park, Convention Center Central Time
Tuesday, May 22	<b>Somerset</b> – Center for Rural Development, 2292 S. Hwy. 27 Eastern Time

We are delighted to announce that Virginia L. Lawson will present “Contracts and Advertising” and “Federal and State Laws and Their Effect on Auctioneers” at the April and May seminar sessions.

FYI: Only the April sessions are approved by the Texas Department of Licensing and Regulation.

- Discounted Early Registration: (received in Board office at least one week before seminar date)  
     \$15-Apprentice / AHO      \$20-Principal
- Registration at Site:  
     \$20-Apprentice / AHO      \$25-Principal

The registration form is included in this issue. Early registrations accepted after January 1, 2007.



## 2007 SEMINAR REGISTRATION FORM

*(Form may be reproduced or copied.)*

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

\_\_\_\_\_ Tuesday April 17 Morehead (ET)  
Morehead Conference Center  
111 East First St.

\_\_\_\_\_ Tuesday April 24 Louisville (ET)  
Executive Inn, Label Room  
978 Phillips Ln.  
(Across the street from 2006 seminar site)

\_\_\_\_\_ Tuesday May 15 Cadiz (CT)  
Lake Barkley State Resort Park  
Convention Center

\_\_\_\_\_ Tuesday May 22 Somerset (ET)  
Center for Rural Development  
2292 S. Hwy. 27

---

NAME

---

LICENSE NUMBER

Make **check** payable to the KY Board of Auctioneers.

DISCOUNTED EARLY REGISTRATION: \$15-Apprentice/AHO    \$20-Principal

REGISTRATION AT SITE: \$20-Apprentice/AHO    \$25-Principal



**COMMISSIONERS**

**E. GLENN BIRDWHISTELL, CHAIRMAN**

Lawrenceburg

**STEPHEN D. LEWIS, VICE-CHAIRMAN**

Morehead

**J. RANDALL BUSH**

Elizabethtown

**SAMUEL RAY GODBY**

Somerset

**L. JOE WALDEN**

Scottsville

**ADMINISTRATIVE STAFF**

JANET MCWILLIAMS

Administrative Director

MARILYNN KENNEDY

License Manager

**LEGAL STAFF**

HERBERT VANARSDALE, II

Secretary Counselor

LARRY MAHONEY

Compliance Officer

W. RAY HERMAN

Compliance Officer



EMAIL [auctioneers@ky.gov](mailto:auctioneers@ky.gov)

To ensure the Board's email system security, email with an auction-related term in the subject line.

WEBSITE <http://auctioneers.ky.gov>

Telephone (502) 429-7145

Fax (502) 429-7147

PRSRRT, STD,  
U.S. POSTAGE  
PAID  
LOUISVILLE KY  
PERMIT NO. 596

KENTUCKY BOARD OF AUCTIONEERS  
9112 LEESGATE RD #5  
LOUISVILLE KY 40222