



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

October 13, 2021
9:00 A.M.

BOARD MEETING MINUTES

A Meeting of the Board of Auctioneers was held via video teleconferencing on Wednesday, October 13, 2021 under the special meetings provisions as set forth in KRS 61.823 in response to the Covid-19 pandemic.

MEMBERS PRESENT

Cliff-Ed Irvin
Gregory Johnson
Ronald Kirby Jr.
Danny Ray Ford

KENTUCKY REAL ESTATE AUTHORITY

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

CALL TO ORDER AND GUEST WELCOME

Board Chair Irvin called a meeting of the Kentucky Board of Auctioneers to order at 9:10 A.M. Members Irvin, Johnson, Kirby, and Ford were present, and a quorum was established.

Introduction of new General Counsel, Molly B. Cassady

General Counsel Molly B. Cassady introduced herself to the Board and gave a brief description of her background. She also let the Board know we had an Intern working part-time with KREA, Marc Lee, who introduced himself to the Board.

Executive Director Comments

Director Robert Astorino addressed the Board about the change in General Counsel at KREA and stated that General Counsel Molly Cassady has been a great asset to our team and that former General Counsel John Hardesty who had done a wonderful job would be missed but was helping Ms. Cassady transition. He spoke about the October 5, 2021 in person exam that Board Coordinator Pam Samples would be giving

more details about. He addressed the ongoing project of transitioning to an online exam with KCTCS and the continuing discussion of the statute and regulation changes the Board wanted to make.

Approval of Minutes

- Member Johnson made a motion to approve the August 11, 2021 Board meeting minutes. The motion was seconded by Member Ford. All in favor, the motion carried.

New Business/Old Business/Miscellaneous Matters

- **October 5, 2021 proctored exam**

Board coordinator Pam Samples told the Board that 22 people had applied to sit for the exam that was held in Frankfort. Two people cancelled. Out of the 20 people that sat for the exam 15 passed and 5 failed.

- **Proctored exam through KCTCS**

Board Coordinator Pam Samples gave a brief overview of how the test would be set up and how applicants would still have to apply like they always have, then be sent a confirmation letter to register online and choose the location and time they want to take the exam. There are 15 locations statewide through KCTCS that would be offering the exam. We are on track to have everything ready to test in November. We are waiting on a schedule from KCTCS to let us know dates and times at each location so that our IT department can incorporate that in the system. Member Johnson asked if we could look at data going forward to see if people were missing the same questions. Board Chairman Irvin spoke about the exam questions and the study guide and will look at assigning a two-person committee to make sure this was updated if needed.

- **Renewals/Continuing Education Completions Update**

As of October 11, 2021, 1472 people are Active and renewed, 270 are Active-pending renewal, 118 are Inactive-Escrow, and 60 are Inactive-Non-renewal (these are people that did not get required continuing education and have not renewed). This is a total of 1920.

Ms. Samples stated that once the state of emergency was over in January 2022 that all those that had not renewed would have their licenses cancelled thirty days later. Former General Counsel Hardesty stated the state of emergency would end on January 15, 2022, and licensees would have 30 days after that date to renew their license for 2020 and 2021 or be cancelled.

- **Myers Jackson reciprocal application**

Board Chairman Irvin stated since we were still waiting on a document from Mr. Myers who had applied in May that he would defer to the other Board members to hold this in abeyance again until the next meeting or deny his application until a time when he sends in a complete packet.

Member Johnson motioned to deny the reciprocal license at this time, Member Kirby seconded the motion. We will refund Mr. Jackson's fee and put this back on the agenda when Mr. Jackson sends in everything that he needs. All in favor, the motion carried.

Correspondence of Michael Duncan

Member Johnson motioned to deny the request to refund the late penalty fee, Member Kirby seconded the motion. All in favor, the motion carried.

Correspondence of Steven Wilson

Member Ford motioned to waive the 2020 late penalty fee but not the 2021 late penalty fee, Member Johnson seconded the motion. All in favor, the motion carried.

Clarification on online auctions and what license is required

Board chairman Irvin stated that this has been an ongoing debate with more online auctions going on and the interpretation of the regulation and this needs to be clarified. Former General Counsel Hardesty stated that even if a person was conducting an auction out of their house, they would still need an Auction House Operators license and a Principal Auctioneer to run the auction. Member Ford agreed with this interpretation. Board Chairman Irvin asked General Counsel Cassady to draft a blanket policy of how this regulation is interpreted and work on amending it. We will take this back up at the next meeting.

Regulation and Statute changes for 2022

The Board is looking to draft bills and get sponsors to get the following regulation and statutes amended or put in place:

- Emergency subpoena and suspension powers.
- Moving to a biannual renewal.
- Auctioning of court ordered foreclosures or non-foreclosures and the fees that can be charged.
- Shortening the cancellation time after non-renewal.

These will be talked about again at the next meeting.

General Legal Update

- General Counsel Cassady stated that the Commission is going to get another part-time attorney and that he/she would be working with this Board.
- Investigator Travis stated he is still looking into complaints of illegal online auctions and getting people licensed that are doing these.

Legal

- The Board did not move into executive session.

Next meeting

- December 8, 2021

Vote for new Board Chairman

Board Chairman Cliff-Ed Irvin states that his term is up October 31, 2021 and that a new Board Chairman needs to be voted in. Member Johnson motions to vote for Member Kirby as the new Board Chairman and Member Ford seconds the motion. Ron Kirby is voted in to be the new Board Chairman. All in favor, the motion carries.

Approval of Timesheets

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

Remarks of out-going Board Chairman Irvin

Board Chairman Irvin states that it has been a pleasure to serve this Board for the past six years and that he is confident that going forward the current Board members are passionate and committed to serving the Auctioneers.

Approval of Timesheets

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

Meeting Adjournment

- Member Kirby made a motion to adjourn, and Member Ford seconded the motion. With no further business to discuss, Board Chairman Irvin adjourned the meeting at 10:30 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: October 13, 2021.

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, KREA Executive Director

Date: November 1, 2021