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PUBLIC PROTECTION CABINET

Kentucky Real Estate Commission

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Jacqueline Coleman
Lieutenant Governor

KENTUCKY REAL ESTATE COMMISSION (KREC)

MEETING MINUTES

September 21, 2023

Mayo-Underwood Conference Room 229NE
500 Mero Street, Frankfort, Kentucky 40601

* This meeting also occurred via Zoom video teleconference, pursuant to KRS 61.826*

Commission Members Present

Commissioner Chair, Lois Ann Disponett
Commissioner Anthony Sickles
Commissioner Jennifer Brown-Day
Commissioner Raquel Carter
Commissioner Larry Disney
Commissioner James King

Commission Members Absent

Commissioner James Simpson

KREA Staff

Hannah Carlin, Deputy Executive Director
August Pozgay, General Counsel
René Rogers, Staff Attorney III
Terri Hulette, Executive Administrative Secretary
Seth Branson, Procedures Development Specialist I
Angie Reynolds, Administrative Specialist III

The Kentucky Real Estate Commission (“KREC” or “Commission”) meeting was called to order by Commission Chair, Lois Ann Disponett, at 9:00 a.m. on **September 21, 2023**. Roll call was taken, and a quorum was present. Guests were welcomed and an introduction to staff and Commissioners were made.

Approval of Meeting Minutes

Commissioner Day made a motion to approve the **September 11, 2023** KREC Special Meeting Minutes, Commissioner Disney seconded the motion. Having all in favor, the motion carried.

Kentucky Real Estate Authority Report

Kentucky Real Estate Authority (“KREA”) Deputy Executive Director, Hannah Carlin welcomed everyone. She reported that the newly hired Administrative Specialist is scheduled to start October 1, 2023. They are currently in the process of posting two (2) additional positions for administrative staff. With the hiring of these two individuals the KREA staff will be at full capacity. To date, there has not been any news regarding the appointment of a new Director for the Authority.

Licensing Report

Deputy Director Carlin presented the Commission the following licensing and education statistics:

1. PSI Testing Statistics

2023 August (First Time)

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity- Broker	4	57.14	3	42.86	7
12License Reciprocity- Sa4lesperson	6	60.00	4	40.00	10
Broker- National	5	62.50	3	37.50	8
Broker- State	2	25.00	6	75.00	8
Salesperson- National	90	65.22	48	34.78	138
Salesperson- State	82	59.42	56	40.58	138
TOTAL	189	61.17	120	38.83	309

2023 August (Repeat)

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity- Broker	0	0.00	2	100.00	2
License Reciprocity- Salesperson	3	60.00	2	40.00	5
Broker- National	5	71.43	2	28.57	7
Broker- State	6	40.00	9	60.00	15
Salesperson- National	61	39.61	93	60.39	154
Salesperson- State	62	41.33	88	58.67	150
TOTAL	137	41.14	196	58.86	333

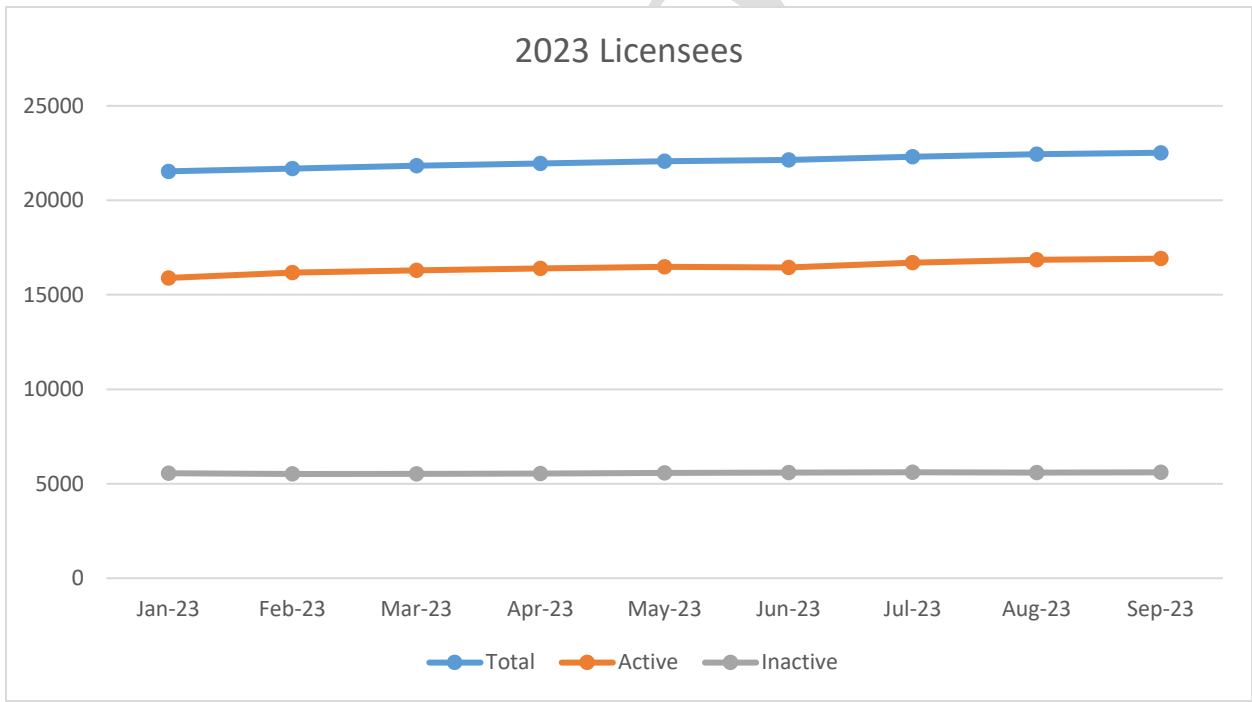
2023 (Cumulative)

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity-Broker	36	47.37	40	52.63	76
License Reciprocity-Salesperson	113	57.07	85	42.93	198
Broker- National	40	64.52	22	35.48	62
Broker- State	37	50.00	37	50.00	74
Salesperson- National	1119	52.91	996	47.09	2115
Salesperson- State	1111	47.81	1213	52.19	2324
TOTAL	2456	50.65	2393	49.35	4849

2. Licensing Statistics

As of September 13, 2023

Type	Active	Inactive	TOTAL
Sales Associate	13,131	4,932	18,063
Broker	3,782	673	4,455
TOTAL	16,913	5,605	22,518



New Licenses Issued in 2023 (by month)

Month	Sales Associate	Broker	Total
January	74	2	76
February	117	8	125

March	112	13	125
April	144	4	148
May	98	0	98
June	168	6	174
July	204	3	207
August	121	10	131
TOTAL	1,038	46	1,084

Per 201 KAR 11:170 Commissioner Carter made a motion to approve the education applications as presented by Deputy Director Carlin, Commissioner King seconded the motion. Commissioner Disney abstained from the discussion and the vote. Remaining all in favor, motion carried.

Deputy Director Carlin presented a memorandum from the testing vendor PSI regarding changes to the national licensing exam. Effective October 1, 2023,, there will be a revision to the national portion of the licensing exam. Though the number of questions remain the same, the change will be to the number of questions per topic, as explained in PSI’s memorandum.

Legal Report

General Counsel Pozgay offered to provide the Commission with legal advice in closed session regarding the post licensing education of J.D.R., and the broker application of A.N., the alleged unlicensed activity of L.G., the education provider R.A.S.K. Course, and Administrative Action regarding 23-KREC-002 and 23-KREC-003.

Mr. Pozgay also provided an update regarding the routine Criminal History Record Information Audit conducted by the Kentucky State Police (K.S.P.). Everything was submitted to K.S.P. as required, and the Authority awaits a response. In addition, the Bureau of Investigation (F.B.I.) will be conducting an audit pertaining to the internal Criminal History Record Information processes at the end of November, with the date to be decided. Authority staff will continue to keep the Commission updated.

Committee Reports

Applicant Review Committee (“ARC”)

Commissioner Sickles presented the following recommendations of the ARC:

1. Motion to recommend approval of the following license applications of D.R.L., M.A.C., R.D.B., V.A.V., T.M.B., and J.M.B.
2. Motion to recommend to defer J.B.R. for further investigation.

The following applications were **administratively approved**:

3. In Re: Application of M.D.S.
4. In Re: Application of R.K.R.

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| 5. Re: Application of D.V.S. | 11. In Re: Application of C.J.K. |
| 6. In Re: Application of R.S.R. | 12. In Re: Application of E.J.H. |
| 7. Re: Application of A.D.R. | 13. In Re: Application of Z.T.S. |
| 8. In Re: Application of M.A.B. | 14. In Re: Application of J.M.L. |
| 9. In Re: Application of S.M.F. | 15. In Re: Application of D.M.M. |
| 10. In Re: Application of A.W.H. | |

Complaint Screening Committee (“CSC”)

Commissioner Carter presented the report of the CSC:

1. **18-C-062** – The Committee recommended offering an Agreed Order including six (6) hours of additional education; three (3) in law and three (3) in ethics.
2. **21-C-043** – Recommendation to the Commission for further investigation.
3. **21-C-045** – Recommendation to the Commission to dismiss.
4. **21-C-046** – Recommendation to the Commission to dismiss.
5. **21-C-047** – Recommendation to the Commission to dismiss.
6. **21-C-049** – Recommendation to the Commission to dismiss.
7. **21-C-051** – Recommendation to the Commission to dismiss.
8. **21-C-052** – Recommendation to the Commission to dismiss.
9. **21-C-053** – Recommendation to the Commission for further investigation.
10. **21-C-054** – Recommendation to the Commission for further investigation.
11. **21-C-055** – Recommendation to the Commission to dismiss.
12. **22-C-045** – Recommendation to the Commission to accept the withdrawal as requested and close the complaint.
13. **23-C-018** – Recommendation to the Commission for further investigation.
14. **23-C-033** – Recommendation to the Commission to accept the withdrawal as requested and close the complaint.

Closed Session Legal Matters and Case Deliberations

At 9:13 a.m. Commissioner Sickles moved to enter closed session, with agency staff and counsel, pursuant to KRS 61.810(1)(j), to deliberate on individual adjudications in the following matters: the recommendations of the ARC regarding applicants as listed in the ARC report; the recommendations of the CSC regarding complaints as listed in the CSC report; In Re: Post Licensing Application of J.D.R; In Re: Broker Application of A.N.; In Re: Alleged Unlicensed Activity of L.G., In Re: Education Provider R.A.S.K. Course, and the course applications submitted by providers Kentucky Realtor Institute, Greater Louisville Association of Realtors; the instructor applications of A.C. and T.M. and Administrative Action regarding 23-KREC-002 and 23-KREC-003. Commissioner Disney seconded the motion and the Commission entered into closed session.

Reconvene Open Session and Committee Recommendations

Commissioner Disney moved for the Commission to come out of closed session. Commissioner King seconded the motion. The motion carried. Commission Chair Disponett resumed the full Commission

meeting at 10:43 a.m. and welcomed everyone in attendance back to the Commission meeting.

Applicant Review Committee (“ARC”)

Commissioner Sickles moved to adopt the **Applicant Review Committee** full recommendations as presented to the Commission, and recited the recommendations as listed above in these minutes. Commissioner King seconded the motion. Having all in favor, the motion carried.

Complaint Screening Committee (“CSC”)

18-C-062 – Commissioner Carter moved that the Commission offer an Agreed Order to the licensee including a Formal Reprimand, six (6) hours of continuing education regarding the Fair Housing Act, and a \$1000 fine. Commissioner Day seconded the motion. Having all in favor, the motion carried.

Commissioner Carter moved to adopt the remaining recommendations as made by the **Complaint Review Committee** as presented to the Commission, and recited those recommendations as listed above in these minutes. Commissioner Day seconded the motion. Having all in favor, the motion carried.

In accordance with 201 KAR 11:210 Section 14, Commissioner Carter made a motion to deny the post-license education timeline extension request of **J.D.R.**, Commissioner King seconded the motion. Having all in favor, the motion carried.

Commissioner Carter made a motion that the Commission not accept the experience presented as qualifying under KRS 324.046 (1)(b) regarding the broker application of **A.N.** and to deny the application, Commissioner King seconded the motion. Having all in favor, the motion carried.

Commissioner King made a motion to assign the alleged unlicensed activity of **L.G.** to the Commission’s investigator for an investigation, Commissioner Sickles seconded the motion. Having all in favor, the motion carried.

Commissioner King moved to authorize staff to send letter indicating withdrawal of course approvals for **R.A.S.K.** unless a detailed plan acceptable to KREC is provided by **R.A.S.K.** within 30 days of receipt, stating a plan for how the issue presented will not recur, Commissioner Sickles seconded the motion. Commissioner Disney abstained from the discussion and the vote. Remaining all in favor, motion carried.

Commissioner King made a motion to adopt the decision of the hearing officer as recommended in **23-KREC-002**, Commissioner Sickles seconded the motion. Having all in favor, the motion carried.

Recovery Fund Education Grant Presentations

Commission Chair Disponett invited Ms. Sumei Zhang of the **University of Louisville (UofL)** to present regarding UofL’s grant proposal to the Commission.

Commission Chair Disponett invited Ms. Sherry Wand of the **Bluegrass Community and Technical**

College (BCTC) to present regarding the BCTC's grant proposal to the Commission.

Commissioner King made a motion to defer consideration of **Western Kentucky University's** Grant Proposal until a presentation has been given by that grant applicant. Seconded by Commissioner Sickles. Having all in favor, the motion carried.

Commissioner Carter made a motion to approve the UofL's Grant Proposal as presented. Commissioner King seconded the motion. Commissioner Disney abstained from the discussion and the vote. Remaining all in favor, motion carried.

Commissioner Carter made a motion approved the BCTC Grant Proposal as presented. Commissioner Sickles seconded the motion. Commissioner Disney and Commissioner Day abstained from the discussion and the vote. Remaining all in favor, motion carried.

Education

1. Instructors
 - a) A.C.
 - b) T.M.
2. Continuing Education, Post-License Education and Pre-Licensing Education Courses
 - a) Kentucky Realtor Institute – 1 Course
 - b) Greater Louisville Association of Realtors - 13 Courses

Commissioner Sickles made a motion to approve the education course applications submitted by providers: **Kentucky Realtor Institute, Greater Louisville Association of Realtors**, and instructor applications of: **A.C. and T.M.**, Commissioner Carter seconded the motion. Commissioner Disney abstained from the discussion and the vote. Remaining all in favor, motion carried.

Public Comment

Austin Nelson introduced himself and asked to discuss the Commission's denial of his broker application. Mr. Pozgay informed Mr. Nelson that he would receive official correspondence detailing the grounds on which he was denied, with information about his right to appeal to an administrative hearing before a hearing officer.

Approval Per Diem

1. Commissioner King made a motion to approve the per diem and travel expenses for the September 19, 2023 ARC Meeting for Commissioner Disney and Commission Sickles. Commissioner Carter seconded the motion. Having all in favor, the motion carried.
2. Commissioner Sickles made a motion to approve the per diem and travel expenses for the September 19, 2023 CSC Meeting for Commissioner Day and Commissioner Carter. Commissioner Disney seconded the motion. Having all in favor, the motion carried.

3. Commissioner Carter made a motion to approve the per diem and travel expenses for the September 21, 2023 KREC Regular meeting. Commissioner King seconded the motion. Having all in favor, the motion carried

Meeting Adjournment

Commissioner Sickles made a motion to adjourn the meeting. Commissioner Disney seconded. With all in favor, the meeting adjourned at 11:11 a.m.

Next Meeting

The next Commission meeting will be Thursday, October 19, 2023 at 9:00 a.m.

Pursuant to KRS 324B.060, I, Kristen Lawson, Acting Executive Director,
for the Kentucky Real Estate Authority (KREA),
have reviewed and Approved the expenditures for the meeting of the
Kentucky Real Estate Commission (the Commission) held on
September 21, 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 Commission at
this meeting related to individual disciplinary matters, investigations, or
applicant reviews.
The Commission approved the minutes of its September 21, 2023 meeting at
its meeting held on October 10, 2023.
Kristen R. Lawson 11/14/2023