



**Andy Beshear**  
Governor

**Robert L. Astorino**  
Executive Director

**Ray A. Perry**  
Secretary

**Molly B. Cassady**  
General Counsel

**Kentucky Real Estate Authority  
Kentucky Real Estate Commission**  
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**KENTUCKY REAL ESTATE COMMISSION  
(KREC)**

**MEETING MINUTES**

**December 16, 2021**

**Mayo-Underwood Hearing Room 133CE**

**\* This meeting also occurred via Zoom Teleconferencing, pursuant to KRS 61.826\***

**Commission Members Present**

Commissioner Chair, Lois Ann Disponett  
Commissioner Larry Disney  
Commissioner James Simpson  
Commissioner James King  
Commissioner Steve Cline  
Commissioner Raquel Carter  
Commissioner Anthony Sickles

**KREA Staff**

Robert Astorino, Executive Director  
Molly Cassady, General Counsel  
Hannah Carlin, Education Coordinator  
Brian Travis, Investigator  
Terri Hulette, Executive Administrative Secretary  
Angie Reynolds, Administrative Specialist III

**Guests Present**

502-875-1351  
Rhonda Richardson  
Jim DeMaio, RASK  
Stephen Zoglman  
Gina Schaal  
Jennifer Day  
Tom Cox  
Daniel Richardson  
Joyce Sterling  
Virginia Lawson  
Janie Wilson  
Amanada Angel  
Heart of KY

Joshua LaRocco  
Nicole Knudtson  
KY Realtors  
Cathy Corbet  
Pam Featherstone  
Peggy Smith  
Brian Henderson  
Steve Denny  
Cindy Grissom  
Lynda Fernandez  
Douglas Meyers  
Justin Landon

**Call to Order and Guest Welcome**

The Kentucky Real Estate Commission meeting was called to order through video teleconference by Commission Chair, Lois Ann Disponett, at 9:00 a.m. on December 16, 2021. Roll call was taken, and a quorum was present. Guests in attendance were welcomed and introductions of guests, staff, and commissioners were made.

**Approval of Meeting Minutes**

1. Commissioner Cline made a motion to approve the **November 22, 2021** Meeting Minutes  
Commissioner Simpson seconded the motion. With all in favor, the motion carried.
2. Commissioner Carter made a motion to approve the **DEI October 11, 2021** Meeting Minutes  
Commissioner Cline seconded the motion. With all in favor, the motion carried.

**Education and Licensing Report**

Ms. Hannah Carlin reminded everyone that due to the COVID State of Emergency the C.E. deadline has been extended until February 14, 2022. In the event that the Commission decides to extend it further, we can put it on the January 2022 agenda.

Ms. Carlin presented the Commission the following:

**1. PSI Testing Statistics**

**November 2021 (First Time)**

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity- Broker	1	33.33	2	66.67	3
License Reciprocity- Salesperson	2	40.00	3	60.00	5
Broker- National	7	87.50	1	12.50	8
Broker- State	3	37.50	5	62.50	8
Salesperson- National	103	59.88	69	40.12	172

Salesperson- State	81	46.55	93	53.45	174
<b>TOTAL</b>	<b>197</b>	<b>53.24</b>	<b>173</b>	<b>46.76</b>	<b>370</b>

**November 2021 (Repeat)**

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity- Broker	1	100.00	0	0.00	1
License Reciprocity- Salesperson	2	100.00	0	0.00	2
Broker- National	1	11.11	8	88.89	9
Broker- State	6	54.55	5	45.45	11
Salesperson- National	46	36.51	80	63.49	126
Salesperson- State	63	41.18	90	58.82	153
<b>TOTAL</b>	<b>119</b>	<b>39.40</b>	<b>183</b>	<b>60.60</b>	<b>302</b>

**2021 (Cumulative)**

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity- Broker	24	50.00	24	50.00	48
License Reciprocity- Salesperson	87	59.59	59	40.41	146
Broker- National	106	61.63	66	38.37	172
Broker- State	100	52.36	91	47.64	191
Salesperson- National	1,583	57.33	1,178	42.67	2,761
Salesperson- State	1,583	50.76	1,516	49.24	3,079
<b>TOTAL</b>	<b>3,463</b>	<b>54.13</b>	<b>2,934</b>	<b>45.87</b>	<b>6,397</b>

**2. Licensing Statistics**

**As of December 8, 2021**

Type	Active	Inactive	TOTAL
Sales Associate	12,339	5,838	18,117
Broker	3,885	825	4,710
<b>TOTAL</b>	<b>16,224</b>	<b>6,663</b>	<b>22,887</b>

**Licenses cancelled in November 2021: 39 (34 sales associates, 5 brokers)**

**New Licenses Issued in 2021 (by month)**

Month	Sales Associate	Broker	Total
January	109	10	119
February	172	14	186
March	122	5	127
April	163	12	175

May	138	7	145
June	138	8	146
July	151	14	165
August	150	15	165
September	161	9	170
October	143	12	155
November	137	9	146
December			
<b>TOTAL</b>	<b>1,584</b>	<b>115</b>	<b>1,699</b>

Chairperson Disponett asked Ms. Carlin out of the ones that were cancelled were any of them due to PLE? Ms. Carlin answered that they had not started doing that yet. She noted starting today, we are going to be sending weekly reminders to all the people who haven't gotten either their 2020 education, their 2021 education, or their PLE.

**Continuing Education and Post-License Education Courses**

**Greater Louisville Association of Realtors**

<b>Course Name- Course Number</b>	<b>Instructors</b>	<b>CE Hours</b>	<b>PLE Hours</b>
Renovation Mortgages (22043)	Joseph Daly	3 elective	3 finance

**Kaplan Real Estate Education**

<b>Course Name- Course Number</b>	<b>Instructors</b>	<b>CE Hours</b>	<b>PLE Hours</b>
<b>Unconscious Bias: Barrier to Service Online Video Course V1.0 (23405)</b>	Ted Highland	2 elective	2 elective

**Kentucky Real Estate College**

<b>Course Name- Course Number</b>	<b>Instructors</b>	<b>CE Hours</b>	<b>PLE Hours</b>
<b>Closing and Related Laws and Documents (23402)</b>	Courtney Kidwell	3 law	3 elective
<b>Representing Entities in Real Estate Transactions (23403)</b>	Courtney Kidwell	3 law	3 contracts

**Continuing Education Courses**

**Kentucky Realtor Institute**

<b>Course Name- Course Number</b>	<b>Instructors</b>	<b>CE Hours</b>
Professional Standards Training (22205)	Jason Vaughn	3 elective, 3 law

**Web CE, Inc.**

<b>Course Name- Course Number</b>	<b>Instructors</b>	<b>CE Hours</b>
<b>Smart Tech, Smarter Agent: Smart Technology in the Residential Marketplace (23409)</b>	Tom Jensen	3 elective

**Instructors**

- Joseph Daly
- Courtney Kidwell
- Kay Searcy
- Jessica Smith

The December 2021 Continuing Education Applications were reviewed for compliance with 201 KAR 11:170 and recommended to the Commission for approval by Hannah Carlin.

Commissioner Simpson made a motion to approve the list of applications. Commissioner Cline seconded the motion. Commissioner Disney abstained from the discussion and the vote. Remaining all in favor, motion carried.

**Ms. Carlin presented the December 2021 licensing requests:**

1. **273051:** Commissioner Disney made the motion to deny. Commissioner Carter seconded the motion. Having all in favor, the motion carried.
2. **274333:** Commissioner King made the motion to approve. Commissioner Disney seconded the motion. Having all in favor, the motion carried.

**Executive Director Comments**

Director Astorino informed the Commission of the KREA Chairperson meeting that took place December 7, 2021 at 10:00 a.m. All four chairpersons, Secretary Perry and Chief of Staff, D.J. Wasson were in attendance. There they discussed concerns, common interest, and future plans for each of the KREA boards.

They came away with eight future points of advancement for KREA. One of which is the development of a C.E. course, available for all four Boards, on how to utilize the ANSI Measurement Standard.

Director Astorino provided the Commission with an update on the Quarterly Customer Service Survey. The staff obtained a rating of 95% of people that have been extremely satisfied with our customer service and only one person was satisfied with their level of service. The staff received an email from Secretary Harvey thanking KREA for their commitment to being public servants.

The Diversity, Equity, & Inclusion Scholarship Committee is making advancements towards the Scholarship program.

Commission staff and the PCC public Information Office have been making changes in our website. It is not ready yet but will be within the next month. They are working to make it easier to understand and

maneuver through out. This is a very powerful tool, and the more people we can get to use it, the less demand on our phone lines and our staff.

The new Biennial E&O Insurance policy is expected be available next month for review.

Commission staff is still working diligently with Illinois and Indiana to negotiate reciprocity agreements with each state. Illinois is still moving into their new offices. Regarding Indiana there still are some very distinct differences in our educational requirement comparisons. Director Astorino will reach out to each the first of the year.

### **Committee Reports**

#### **Education Committee**

There was no Education Committee meeting for this month.

#### **Form Committee**

There was no Form Committee meeting for this month.

#### **Diversity, Equity, & Inclusion Committee**

Commissioner Carter reported that the Diversity, Equity, & Inclusion Committee meeting did meet at the beginning of the month. They do have a final draft that they will be discussing at their DEI open meeting scheduled for Jan 5<sup>th</sup>, 2022. They encourage attendance of anyone offering any feedback or participation.

#### **Applicant Review Committee**

Commissioner King read the report of the Application Review Committee and the Committee's recommended action on each licensee:

1. To approve J.L. for a probationary license with conditions.
2. To approve the license application of A.P.
3. To approve the license application of E.G.
4. To approve the license application of N.M.
5. To defer the license application of A.A. for further investigation.
6. To defer the license application of R.K. to next month.

#### **Complaint Review Committee**

Commissioner Carter read the report of the Complaint Review Committee, and the Committee's recommended action on each Complaint, to be further discussed in Executive Session. The Committee's recommendations are as follows:

1. **18-C-033** – Recommendation: Disciplinary action – 60-day suspension, 1-year probation, \$1,000 fine, 6 hrs. CE (law).
2. **18-C-062** – Recommendation: Disciplinary action – revocation of license.
3. **18-C-069** – Recommendation: Dismissal.
4. **19-C-037** – Recommendation: Dismissal.
5. **20-C-036** – Recommendation: Cease and desist letter, refer for prosecution, notify states where Respondent is licensed.
6. **21-C-016** – Recommendation: Dismissal.
7. **21-C-025** – Recommendation: Dismissal.

8. **21-C-027** – Recommendation: Grant complainant’s request to withdraw complaint.
9. **21-C-036** – Recommendation: Informal reprimand.
10. **21-C-038** – Recommendation: Informal reprimand; KREC Investigator to file complaint against seller’s agent to conduct further investigation into his actions.

**Executive Session Legal Matters and Case Deliberations**

At 9:21 a.m. Commissioner Disney made a motion to enter executive session, pursuant to KRS 61.810(1)(c) and (j), and KRS 61.815 to deliberate on individual adjudications and to discuss 6 new applications and the 10 above CRC case recommendations as offered by Commissioner Carter:

- |                   |                   |                   |
|-------------------|-------------------|-------------------|
| • <b>18-C-033</b> | • <b>20-C-036</b> | • <b>21-C-036</b> |
| • <b>18-C-062</b> | • <b>21-C-016</b> | • <b>21-C-038</b> |
| • <b>18-C-069</b> | • <b>21-C-025</b> |                   |
| • <b>19-C-037</b> | • <b>21-C-027</b> |                   |

Commissioner Sickles seconded the motion and the Commission entered into executive session discussion.

**Reconvene Open Session and Committee Recommendations**

Commissioner King motioned for the Commission to come out of executive sessions. Commissioner Simpson seconded the motion. Commission Chair Disponett resumed the full Commission meeting at 10:47 a.m. and welcomed everyone in attendance back to the teleconference Commission meeting.

Commissioner King made the motion to adopt the **Applicant Review Committee** items as previously recommended to the Commission. Commissioner Simpson seconded the motion. Having all in favor, the motion carried.

Commissioner Carter made the motion to adopt the **Complaint Review Committee** items as follows:

The Commission has declined to follow the recommendation of the Committee concerning complaint 18-C-033 and imposes the sanction of license revocation.

The Commission accepts the Committee’s recommendations with respect to cases 18-C-062, 18-C-069, 19-C-037, 20-C-036, 21-C-016, 21-C-025, 21-C-027, 21-C-036, and 21-C-038. Commissioner King seconded the motion. Having all in favor, the motion carried.

**Final Actions of the Commission**

1. **18-C-033** – Disciplinary action – revocation of license.
2. **18-C-062** – Disciplinary action – revocation of license.
3. **18-C-069** – Dismissal.
4. **19-C-037** – Dismissal.
5. **20-C-036** – Cease and desist letter, refer for prosecution, notify states where Respondent is licensed.
6. **21-C-016** – Dismissal.
7. **21-C-025** – Dismissal.
8. **21-C-027** – Grant complainant’s request to withdraw complaint.
9. **21-C-036** – Informal reprimand.
10. **21-C-038** – Informal reprimand; KREC Investigator to file complaint against seller’s agent to conduct further investigation into his actions.

*\*Final actions of the Commission are not given full force and effect until a final order is issued pursuant to KRS 324B.060(4).*

### **Public Comment**

Chairperson Disponett opened the floor for public comments.

Jim DeMaio, RASK, identified himself and stated that the State Emergency will be coming to an end and that the CE zoom classes are not going to continue. He asked if the Commission could discuss the possibilities, with requirements if needed, as to allow licensees to continue to attend classes virtually. Not something that has to be addressed this meeting but asks for consideration to be taken by the Commission in the future.

Chairperson Disponett let him know that it will be taken into consideration.

Cathy Corbet stated that she had noticed in the new portal that agents can release their license without their Broker having to acknowledge it, which is somewhat problematic because if the Broker is owed money or signs or any other copyrighted materials, they do not have a chance to weigh in on return of such items prior to the agent leaving. She asked if that was an oversight or an unintended consequence of the new system.

Ms. Carlin replied that feature has actually been available for years. That KREC has asked COT to disable that function but with the COVID situation they just simply haven't had time to get to it. She will ask them for an update. But ultimately it is in their hands, and they will do it as soon as they are able.

### **Legal Report**

#### **Docket Update**

Concerning the Docket update, General Counsel reported that due to the holidays there have not been any administrative hearings scheduled. This will allow General Counsel the time to focus on filing some of the Notices of Administrative Hearings and discovery that needs to be completed on the cases that we currently have pending. Prehearing conferences and hearings will resume in February and March.

On the resources front, the Cabinet has assigned a staff attorney from another division to work with KREA 15-20 hours a week. This individual will be assisting with the complaint docket. KREC continues to experience an influx of new complaints, so it is important that we stay on top of them. Staff is doing everything that they can to make sure that this happens.

#### **Legislative Update**

We have several pre-filed bills that may affect real estate to some degree. BR 45 and 97, an act relating to civil rights, would amend the Kentucky civil rights chapters to include definitions for sexual orientation and gender identity. The impact of this bill would be fairly minor, but it would require education providers to update their course content and for staff to update the state examination questions. Also, as these protections would exceed the Fair Housing Act, we may need to eventually discuss whether or not we would need to amend our statutes and regulations.

The next one is BR 199, an act relating to the issuance of renewal of occupational licenses to military spouses. This would essentially amend KRS.12.357 to require all administrative agencies to waive the



licensing renewal fees for military spouses. Again, the impact for KREC would be minimal and we will be able to make whatever adjustments may be necessary if this bill passes.

The last one is probably going to be of more interest to people, it is the first time that this bill has been proposed. It is BR 900, which is an act relating to real property disclosures. This bill would amend KRS 324.360 to add proximity to a military installation to the seller's disclosure form. As we are all aware, KREC has spent well over a year amending its regulations and forms. Potentially, this one will have more of an obvious impact on KREC and would require additional amendments to its regulations and statutes. It is General Counsel's understanding that this has never come up nor has it ever been discussed before today, but it is something that the Commission will need to discuss soon. Whether in a future meeting or if anybody has any comments for this meeting.

Commissioner Simpson asked General Counsel what the originating background was for the request. General Counsel replied that she did not know, but believes that the representative who is sponsoring the bill lives in the Fort Knox area. The ammunitions depot often releases public service announcements about potential exposure to hazardous materials and things like that, so she could see where it would be of point of interest. At this time, the only thing that the bill does is require the disclosure, it does not add a definition for military installations or for proximity. As the bill moves forward, she feels that there will need to be clear parameters, including what is meant by "military installation" and what "proximity" would require disclosure. This is definitely going to be one that she and the Commission will need to keep on their radar and watch rather closely.

Chairperson Disponett stated that she had made some calls to agents and brokers in that area. Many that she had spoken with were surprised and had no idea what made this come up. It does not appear to be licensee sponsored. She did find out the representative's name that is involved and noted that is who the Commission would need to speak with.

### **Regulation Update**

General Counsel reported that the update for regulation and forms would have to be filed by the 15th of every month and they weren't ready for this month, but she is hopeful that they will be filed the beginning of next year.

### **New Business**

#### **2022 Meeting Calendar**

The Commission agreed to keep meeting the third Thursday of each month at 9:00 a.m. as they had the previous year.

#### **2022 KREC Sub-Committee Rotation**

The Commission agreed to keep the same rotation as they had used the previous year.

### **Zoom vs. In-person Meeting**

Chairperson Disponett and Director Astorino both reported that at the KREA Director's meeting the Secretary felt that these are public meetings and if we wanted to do them in public, that would be fine. However, there are a lot of requirements involved and you have to be very careful not to exclude anyone.

This would also include finding a much larger meeting room than they can accommodate for on-site due to covid distancing restrictions.

Director Astorino noted that Zoom is positive in a couple of ways. First of all, it enables all of you to come from wherever you are to attend a meeting and then disengage when the meeting is over. There's no drive time. There's no lost time. There's no need to have overflow rooms if there's a large number of people. Zoom can accommodate that. So, Zoom will continue to be used for the KREC public meetings until something else changes. He felt that the current security in Zoom is sufficient enough to protect us at this time.

### **Data Request**

Chairperson Disponett stated that she had been approached by a couple of the Associations requesting a data request. She asked that the topic be added to next month's agenda. She reported that it is for instances of when the Commission takes someone's license, but no one notifies the Associations. These people still show up on their sites and the Associations, like GLAR and LBAR have no knowledge of it. The individual may still have a super key. No one knows that the licensee's license has been taken, however though some type of data connection, share or a notice from KREC directly to the association(s) would assist with that. We did run into this quite a bit last year with people still practicing after they had lost their license.

### **Approval Per Diem**

1. Commissioner Simpson made a motion to approve the per diem for Commissioners Disney, Sickles, and Carter for the attendance of the December 3, 2021 Diversity, Equity, & Inclusion Committee meeting. Because it was teleconferenced, there were no travel expenses. Commissioner King seconded the motion. Having all in favor, the motion carried.
2. Commissioner Disney made a motion to approve the per diem for Commissioners Simpson and King for the attendance of the December 14, 2021 Application Review Committee meeting. Because it was teleconferenced, there were no travel expenses. Commissioner Sickles seconded the motion. Having all in favor, the motion carried.
3. Commissioner King made a motion to approve the per diem for Commissioners Carter and Cline for the attendance of the December 14, 2021 Complaint Review Committee meeting. Because it was teleconferenced, there were no travel expenses. Commissioner Sickles seconded the motion. Having all in favor, the motion carried.
4. Commissioner Sickles made a motion to approve the per diem for the December 16, 2021 KREC Regular meeting. Because it was teleconferenced, there were no travel expenses. Commissioner Disney seconded the motion. Having all in favor, the motion carried.

### **Meeting Adjournment**

The next KREC meeting will be January 20, 2022 at 9:00 a.m. for the regular meeting. Watch for a zoom link.

Commissioner King made a motion to adjourn the meeting. Commissioner Disney seconded. Meeting adjourned at 11:09 a.m.

I, Robert Astorino, Executive Director of the Kentucky Real Estate Authority, have reviewed and pursuant to KRS 324B.060, have (Approved or Disapproved) the expenditures of the Kentucky Real Estate Commission (Insert name of Board) as described in these attached minutes.

Meeting Date December 16, 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 December 16, 2021