



**Andy Beshear**  
Governor

**PUBLIC PROTECTION CABINET**

**Ray A. Perry**  
Secretary

**Jacqueline Coleman**  
Lieutenant Governor

**Kentucky Real Estate Commission**

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**Natalie W. Brawner**  
Executive Director

**KENTUCKY REAL ESTATE COMMISSION  
(KREC)**

**MEETING MINUTES**

**November 17, 2022**

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

**\* 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 Jennifer Brown-Day  
Commissioner Raquel Carter  
Commissioner Anthony Sickles

**KREA Staff**

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

**Call to Order and Guest Welcome**

The Kentucky Real Estate Commission meeting was called to order by Commission Chair, Lois Ann Disponett, at 9:07 a.m. on **November 17, 2022**. Roll call was taken, and a quorum was present. Guests were welcomed introductions of staff and Commissioners were made.

**Approval of Meeting Minutes**

Commissioner Day made a motion to approve the **October 20, 2022** KREC Meeting Minutes, Commissioner Disney seconded the motion. With all in favor, the motion carried.

**Kentucky Real Estate Authority Report**

Ms. Hannah Carlin introduced the new KREA investigator, Chris Woodyard, and KREA Executive Director, Natalie Brawner to the Commission.

**Education and Licensing Report**

Ms. Carlin presented the Commission the following:

1. **PSI Testing Statistics**

**2022 October (First Time)**

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity-Broker	2	100.00	0	0.00	2
License Reciprocity-Salesperson	17	77.27	5	22.73	22
Broker- National	1	50.00	1	50.00	2
Broker- State	1	50.00	1	50.00	2
Salesperson- National	75	69.44	33	30.56	108
Salesperson- State	60	55.56	48	44.44	108
<b>TOTAL</b>	<b>156</b>	<b>63.93</b>	<b>88</b>	<b>36.07</b>	<b>244</b>

**2022 October (Repeat)**

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity-Broker	1	100.00	0	0.00	1
License Reciprocity-Salesperson	7	63.64	4	36.36	11
Broker- National	0	0.00	2	100.00	2
Broker- State	1	50.00	1	50.00	2
Salesperson- National	27	27.00	73	73.00	100
Salesperson- State	52	46.85	59	53.15	111

<b>TOTAL</b>	<b>88</b>	<b>38.77</b>	<b>139</b>	<b>61.23</b>	<b>227</b>
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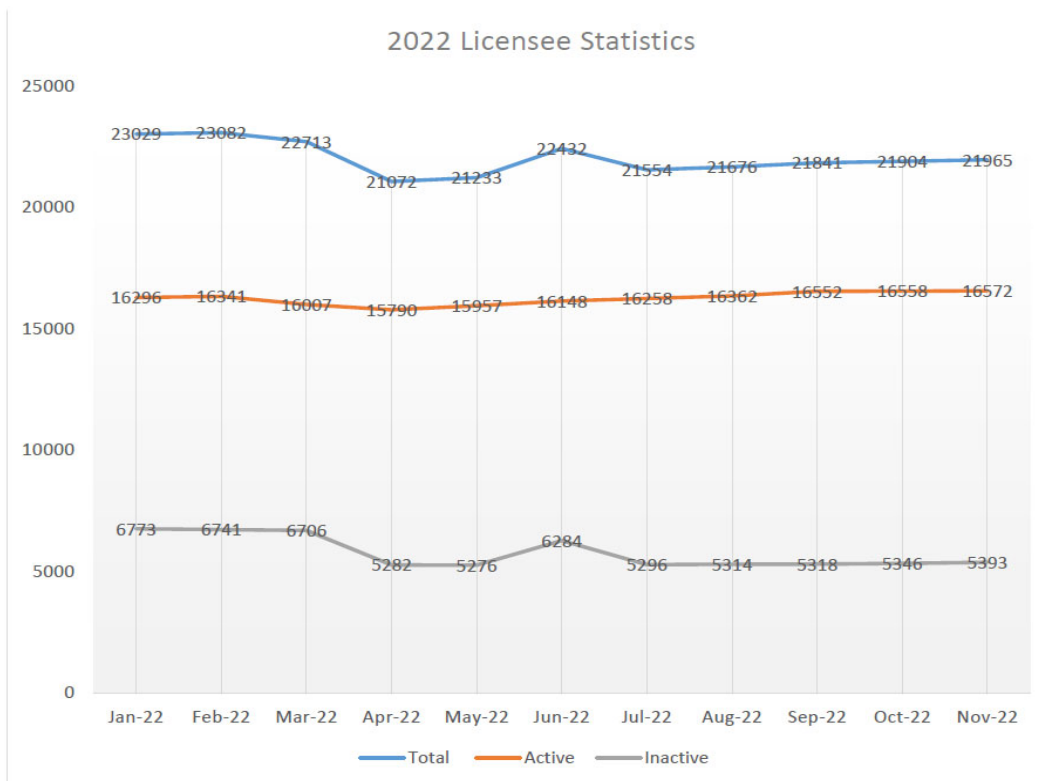
**2022 (Cumulative)**

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity-Broker	40	51.95	37	48.05	77
License Reciprocity-Salesperson	167	60.73	108	39.27	275
Broker- National	91	59.87	61	40.13	152
Broker- State	90	52.33	82	47.67	172
Salesperson- National	1300	52.87	1159	47.13	2459
Salesperson- State	1322	48.21	1420	51.79	2742
<b>TOTAL</b>	<b>3010</b>	<b>51.22</b>	<b>2867</b>	<b>48.78</b>	<b>5877</b>

2. Licensing Statistics

**As of November 9, 2022**

Type	Active	Inactive	TOTAL
Sales Associate	12,722	4,759	17,481
Broker	3,850	634	4,484
<b>TOTAL</b>	<b>16,572</b>	<b>5,393</b>	<b>21,965</b>



**New Licenses Issued in 2022 (by month)**

Month	Sales Associate	Broker	Total
January	132	11	143
February	39	14	53
March	190	56	246
April	171	13	184
May	145	3	148
June	132	1	133
July	127	5	132
August	146	4	150
September	130	9	139
October	143	4	147
November			
December			
<b>TOTAL</b>	<b>1,355</b>	<b>120</b>	<b>1,475</b>

**Instructors**

- J.M.B.
- S.L.C.
- C.L.H.
- D.W.

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

**Bluegrass Realtors**

Course Name- Course Number	Instructors	CE Hours	PLE Hours
Searching FLEX: Advanced Residential Searches and Structuring CMAs (25516)	Lucy Waterbury	3 elective	3 technology and data security

**Greater Louisville Association of Realtors**

Course Name- Course Number	Instructors	CE Hours	PLE Hours
Ethics and Law – Not Always the Same (25515)	Dennis Stilger	3 law	3 elective
Kentucky Seller's Disclosure of Property Condition (25517)	Dennis Stilger	3 law	3 disclosure

Kentucky Real Estate College

Course Name- Course Number	Instructors	CE Hours	PLE Hours
1031 Tax-Deferred Exchanges: A More Detailed Look (25520)	Jeanne Burke	3 law	3 elective
Topic of Title (25519)	Danielle Wilson	1 law	1 elective

Continuing Education Courses

Southern Indiana Association of Realtors

Course Name- Course Number	Instructors	CE Hours
Personal Safety for Realtors (25518)	Carey L. Huls	2 elective

The October 2022 Continuing Education Applications were reviewed for compliance with 201 KAR 11:170 and recommended to the Commission for approval by Hannah Carlin.

Commissioner Carter made a motion to approve four (4) instructors' applications of J.M.B., S.L.C., C.L.H., D.W and to approve the four (4) courses as recommended by Ms. Carlin. Commissioner King seconded the motion. Commissioner Disney abstained from the discussion and the vote. Remaining all in favor, motion carried.

Hannah Carlin presented a list of "Proposed Course Listings For Commission Review" based on topics previously selected by the Commission pursuant to 201 KAR 11:210 Section 10(4).

Commissioner Carter made a motion to approve the "Proposed Course Listings For Commission Review" as presented by Ms. Carlin. Commissioner Sickles seconded the motion. All in favor, the motion carried.

Ms. Carlin announced to watch the website for an Instructor Training Course that would be coming soon.

Ms. Carlin reported that the Commission will start sending out reminders concerning the end of year education requirement for active licensees. There are over 10,000 licensees that still need education between now and December 31, 2022.

**Legal Report**

**In Re: Notification of Death or Incapacity of Licensee J.G.**

General Counsel August Pozgay reported that the Commission had previously voted to approve the substitution of a principal broker in regard to the notification of death or incapacity of licensee J. G. at its last board meeting. Commission staff recently received information that that practice is going to be closed and that the substituted principal broker, D.S., no longer wished to have the reassignment. His recommendation is that the Commission now vote to unassign the principal broker those duties from the matter of the notification of death or incapacity of licensee J.G.

Commissioner Simpson made a motion to unassign the principal broker, D.S., those duties from the matter of the notification of death or incapacity of licensee J.G. as recommended by General Counsel Pozgay. Commissioner

King seconded the motion. All in favor, motion carried.

General Counsel Pozgay reported that he had receive a request the day before the meeting for further information regarding liability insurance and will be preparing to present on the issue.

Commissioner Simpson asked for this item to be placed on the agenda every month under 'Old Business' until it's resolved.

General Counsel Pozgay reminded Commissioners that they cannot speak on behalf of the Commission unless authorized by the Commission to do so. If contacted about potential Commission business, please refer the inquiry to the administrative staff so that it can be raised at the next Commission meeting.

General Counsel Pozgay provided an update concerning administrative hearings and litigation.

### **Committee Reports**

#### **Applicant Review Committee**

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

1. **In Re: Application of K.J.:** To approve the Agreed Order.
2. **In Re: Application of T.C.:** recommend approval.
3. **In Re: Application of T.K.:** recommend approval.
4. **In Re: Application of J.P.:** recommend approval.
5. **In Re: Application of T.S.** To defer the license application until next month.
6. **In Re: Application of C.R.** To defer the license application until next month.
7. **In Re: Application of S.W.:** recommend approval.
8. **In Re: Application of C.P.:** recommend approval.
9. **In Re: Application of J.D.W.:** recommend approval.
10. **In Re: Application of C.W.:** recommend approval.
11. **In Re: Application of J.A.W.:** recommend approval.
12. **In Re: Application of M.W.:** recommend approval.
13. **In Re: Application of C.D.:** recommend approval.

#### **Complaint Review Committee**

Commissioner Carter read the report of the Complaint Review Committee:

1. **19-C-093 & 19-C-094** – Recommendation: Refer for further investigation.
2. **22-C-038** – Recommendation: Dismissal for failure to supplement.
3. **22-C-039** – Recommendation: Dismissal for failure to supplement.
4. **22-C-040** – Recommendation: Dismissal for failure to supplement.
5. **22-C-041** – Recommendation: Dismissal for failure to supplement.
6. **22-C-043** – Recommendation: Dismissal for failure to supplement.
7. **Self-Report of D.B.** – Recommendation: Refer for further investigation.

### **Closed Session Legal Matters and Case Deliberations**

At 9:30 a.m. Commissioner Disney moved to enter closed session, with agency staff and counsel, pursuant to KRS 61.810(1)(c) and (j), and KRS 61.815, to discuss proposed pending litigations and deliberate on individual adjudications regarding the following matters: the thirteen (13) recommendations of the ARC Committee; the seven

(7) recommendations by the CRC Committee; the self-report of D.B. for Open-door Brokerage LLC, the application of A.S., the license request of T.M., and 22-CI-004296 (Jefferson Cir.). . Commissioner Simpson seconded the motion and the Commission entered into closed (executive) session.

### **Reconvene Open Session and Committee Recommendations**

Commissioner Disney motioned for the Commission to come out of closed session. Commissioner Simpson seconded the motion. Commission Chair Disponett resumed the full Commission meeting at 10:05 a.m. and welcomed everyone in attendance back to the teleconference Commission meeting.

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

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

**In Re: License Request of A.S.:** Commissioner Carter made a motion to approve the interpretation of the Agreed Order of A.S. as one (1) year of probation, Commissioner Sickles seconded the motion. Having all in favor, the motion carried.

**In Re: License Request of T.M.:** Commissioner King made a motion to deny the license request for T.M. Commissioner Simpson seconded the motion. Having all in favor, the motion carried.

### **Old Business**

#### **Disclosure of Military Installations**

General Counsel August Pozgay introduced Brigadier General (Ret.) Steven P. Bullard of the Kentucky National Guard Air Force to the Commission and Ryan Lewis, the Public Affairs Officer for Fort Knox. Brigadier General Bullard oversees the Kentucky Commission on Military Affairs for the Office of the Governor. He provided the Commissioners an executive summary in PowerPoint. They are looking forward to working with the Authority to create a regulatory solution, preferably the creation of a real estate disclosure form targeted to the immediate vicinity of Fort Knox and Fort Campbell.

General Counsel Pozgay presented a preliminary draft with regulatory options for a potential regulatory solution.

Commissioner Simpson made a motion to authorize General Counsel Pozgay to pursue option one (1) of the regulatory change drafts presented, Commissioner Disney seconded the motion. Having all in favor, the motion carried.

#### **201 KAR 11:121**

General Counsel Pozgay presented four draft revisions to material incorporated by reference (MIR) into regulation 201 KAR 11:121 for the review.

- 1) a yellow-highlighted version of the form with the changes reflected in the statement of consideration after comments (but the form was not actually filed at that time);
- 2) a clean copy of the yellow-highlighted version of the form;

- 3) a yellow- and green-highlighted version of the form with the changes reflected in the statement of consideration, as well as additional changes (in green) identified during legal review; and
- 4) a clean copy of the yellow- and green-highlighted version of the form.

Commissioner Carter made a motion to approve the clean version of Form 400 with the green and yellow highlighted updates, Commissioner Disney seconded the motion. Having all in favor, the motion carried.

Commissioner Simpson made a motion to approve the clean version of Form 401B with the green and yellow highlighted updates and to authorize General Council to draft language regarding Part B superseding Part A. Commissioner Disney seconded the motion. Having all in favor, the motion carried.

Commissioner Cater made a motion to make an amendment to Commissioner Simpson's motion to include borders around the seals of Form 401B as to maintain consistent formatting among the forms, if possible. Commissioner Day seconded the motion. Having all in favor, the motion carried.

Commissioner Carter made a motion to approve the clean version of Form 401S with the green and yellow highlighted updates and to authorize General Council to draft language regarding Part B superseding Part A, with the possibility of the consistent formatting. Commissioner Simpson seconded the motion. Having all in favor, the motion carried.

Commissioner Day made a motion to approve the clean version of Form 402 with the green and yellow highlighted updates, Commissioner Disney seconded the motion. Chairperson Disponett called for a roll call vote, Commissioner Disney voted yes, Commissioner Simpson voted no, Commissioner King voted yes, Commissioner Day voted yes, Commissioner Carter vote no, and Commissioner Sickles voted yes. The motion carried.

Commissioner Carter made a motion to authorize General Counsel to request a deferral of the review of proposed regulation amendment 201 KAR 11:121 at the December 2022 Administrative Regulation Review Subcommittee meeting. Commissioner King seconded the motion. With all in favor, the motion carried.

### **New Business**

#### **Arelo Leadership Synopsis**

Ms. Carlin reported that Commissioner Disney and herself have been elected to vice chair their ARELLO subcommittees for 2023, with the intentions of serving as chair of those respective committees in 2024. She will be serving on the Examination Accreditation Committee and Commissioner Disney, the Investigation Committee. She and Commissioner Disney have both been invited to join the ARELLO Leadership Symposium in January in Henderson, Nevada. She asked the Commission for approval of both herself and Commissioner Disney to attend that Leadership Symposium.

Commissioner Simpson made a motion to approve attendance of Ms. Carlin and Commissioner Disney to the ARELLO Leadership Symposium in January in Henderson, Nevada. Commissioner Day seconded the motion. Majority in favor, the motion carried. Commissioner King did not participate in the vote.

### **2023 Meeting and Sub Committee Calendars**

Commissioner Disney made a motion to approve the 2023 KREC Meeting Calendar as presented, Commissioner Sickles seconded the motion. Having all in favor, the motion carried.



Commissioner King made a motion to change the 2023 KREC Sub-committee Meeting Calendar meeting dates from the Wednesday to Tuesdays prior to the KREC official meeting, starting January 2023. Commissioner Sickles seconded the motion. Having all in favor, the motion carried.

**Public Comment**

Tom Cox thanked the Commissioners and the KREC staff for all the hard work presented today. He asked that next time they are discussing documents to also present them in the shared screen of Zoom so that those in attendance can see the information as it is being presented to the Commission. He asked Ms. Carlin to define the education cycle under the law. He commented that sellers are consumers too and stated that every right and privilege that is granted to the buyer should also be granted to the seller.

**Approval Per Diem**

1. Commissioner Sickles made a motion to approve the per diem and travel expenses for the November 15, 2022 ARC Meeting for Commissioners Day and King. Commissioner Carter seconded the motion. Having all in favor, the motion carried.
2. Commissioner Simpson made a motion to approve the per diem and travel expenses for the November 15, 2022 CRC Meeting for Commissioners Carter and Disney. Commissioner Sickles seconded the motion. Having all in favor, the motion carried.
3. Commissioner King made a motion to approve the per diem and travel expenses for the November 17, 2022 KREC Regular meeting. Commissioner Sickles seconded the motion. Having all in favor, the motion carried.

**Meeting Adjournment**

Commissioner Carter made a motion to adjourn the meeting. Commissioner Simpson seconded. Meeting adjourned at 11:55 a.m.

**Next Meeting**

The next Commission meeting will be December 15, 2022 at 9:00 a.m. Eastern.

Pursuant to KRS 324B.060, I, Natalie W. Brawner,  
Executive Director of 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  
November 17, 2022. 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 November 17, 2022 meeting at its  
meeting held on December 15, 2022.

Natalie W. Brawner 2/3/2023  
KREA Executive Director/Date