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Kentucky Real Estate Commission

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Natalie W. Brawner
Executive Director

**KENTUCKY REAL ESTATE COMMISSION
(KREC)**

MEETING MINUTES

January 19, 2023

**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 Jennifer Brown-Day
Commissioner Raquel Carter
Commissioner Anthony Sickles
Commissioner James King

Commission Members Absent

Commissioner James Simpson

KREA Staff

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

The Kentucky Real Estate Commission meeting was called to order by Commission Chair, Lois Ann Disponett, at 9:00 a.m. on **January 19, 2023**. 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 **December 15, 2022** KREC Meeting Minutes, Commissioner Disney seconded the motion. With all in favor, the motion carried.

Kentucky Real Estate Authority Report

The past month has been a very busy one and Executive Director Natalie W. Brawner thanked the staff for their hard work.

Education and Licensing Report

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

1. PSI Testing Statistics

2022 December (First Time)

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity-Broker	1	12.50	7	87.50	8
License Reciprocity-Salesperson	6	50.00	6	50.00	12
Broker- National	3	60.00	2	40.00	5
Broker- State	4	80.00	1	20.00	5
Salesperson- National	57	66.28	29	33.72	86
Salesperson- State	52	60.47	34	39.53	86
TOTAL	123	60.89	79	39.11	202

2022 December (Repeat)

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity-Broker	3	75.00	1	25.00	4
License Reciprocity-Salesperson	7	77.78	2	22.22	9
Broker- National	1	33.33	2	66.67	3
Broker- State	2	66.67	1	33.33	3
Salesperson- National	19	26.76	52	73.24	71
Salesperson- State	20	32.26	42	67.74	62
TOTAL	52	34.21	100	65.79	152

2022 (Cumulative)

Type of Exam	Passed	% Passed	Failed	% Failed	Total Exams
License Reciprocity-Broker	45	49.45	46	50.55	91
License Reciprocity-Salesperson	192	59.63	130	40.37	322
Broker- National	99	58.93	69	41.07	168
Broker- State	100	52.91	89	47.09	189
Salesperson- National	1471	52.24	1345	47.76	2816

Salesperson- State	1489	48.19	1601	51.81	3090
TOTAL	3396	50.87	3280	49.13	6676

2. Licensing Statistics

As of January 13, 2023

Type	Active	Inactive	TOTAL
Sales Associate	12,272	4,894	17,166
Broker	3,711	659	4,370
TOTAL	15,983	5,553	21,536

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	81	7	88
December			
TOTAL	1,436	127	1,563

Bluegrass Realtors - Course Credit Correction

Commissioner Day made a motion to approve the Bluegrass Realtors - Course Credit Correction. Commissioner Carter seconded the motion. Commissioner Disney abstained from the discussion and the vote. Remaining all in favor, motion carried.

Legal Report

General Counsel August Pozgay reported that regulation **201 KAR 11:121** passed the Administrative Review Committee. The next step is referral to a second legislative committee, which may be the Standing Committees for Licensing, Occupations, & Administrative Regulations. General Counsel Pozgay requested Commissioners authorize him to request deferral at the second legislative committee in the event that committee has items to bring back to the Commission. Secondly, he requested the Commission authorize the Chair to attend, or for the Chair to choose a Commissioner, to also attend such committee meeting.

Commissioner Day made a motion to approve both requests as presented by General Counsel. Commissioner Carter seconded the motion.

The Kentucky Real Estate Authority reviewed offering an Instructor Training as requested by the Commission. Commission regulation 201 KAR 11:170 Section 1(3) does not permit staff to give such training at this time. General Counsel will draft for Commission review an open letter encouraging providers to offer a course to match the regulatory requirement .

Committee Reports

Diversity, Equity, and Inclusion Committee (“DEI Committee”)

The DEI Committee did not meet this month.

Applicant Review Committee (“ARC”)

Commissioner Day presented the following recommendations of the ARC:

- To approve license application of T.S.
- To approve license application of C.R.
- To approve license application of S.N.
- To defer the license application of J.C. until the next committee meeting. Applicant to provide notarized references.
- To approve license application of D.N.
- To approve license application of T.A.
- To approve license application of S.D.
- To approve license application of A.S.
- To approve license application of C.H.

The following applications were administratively approved:

- In Re: Application of P.V.
- In Re: Application of J.A.
- In Re: Application of L.G.
- In Re: Application of D.F.
- In Re: Application of A.T.
- In Re: Application of M.R.
- In Re: Application of F.M.G.

Complaint Screening Committee (“CSC”)

Commissioner Carter presented the report of the CSC:

- **22-C-034** – Recommendation: Dismiss. Licensee is deceased.
- **22-C-049** – Recommendation: Dismiss, license no longer licensed. Flag licensee for future activity and refer for further investigation against the Principal Broker.
- **21-C-050** – Recommendation: Offer an Agreed Order with standard terms and discipline to include an Informal Reprimand referencing violation, and the completion of three hours of Continuing Education in Advertising.

Closed Session Legal Matters and Case Deliberations

At 9:19 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 sixteen (16) recommendations of the ARC; the three (3) recommendations by the CSC; the twenty-four (24) Applicant and Licensee requests; In Re: Instructor Application

A.P.; and 22-KREC-003. Commissioner Carter seconded the motion and the Commission entered into closed session.

Reconvene Open Session and Committee Recommendations

Commissioner King moved for the Commission to come out of closed session. Commissioner Carter seconded the motion. The motion carried. Commission Chair Disponett resumed the full Commission meeting at 12:22 p.m. and welcomed everyone in attendance back to the Commission meeting.

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

Applicant and licensee requests:

Commissioner King moved to take the following listed actions and deferrals regarding Applicant and Licensee requests:

- **In Re: Application of A.S.** – Deny request.
- **In Re: Application of K.Y.** – Deny request.
- **In Re: Application of R.G.** – Inform the applicant that they must retake the end of course examination with a proctor as listed in 201 KAR 11:170, with a reminder that applicant must comply with all other licensing obligations.
- **In Re: Request of R.G.K.** – Request denied. Remind applicant that the applicant can get fingerprinted in applicant’s local area.
- **In Re: Education of A.M.** – Waive fee and activate the license. Licensee must complete required CE for 2022 by April 30, 2023.
- **In Re: Education of A.T.** – Deny request.
- **In Re: Education of B.L.** – Deny request.
- **In Re: Education of C.Z.** – Deny request.
- **In Re: Education of D.G.** – Deny request.
- **In Re: Education of D.L.** – Deny request.
- **In Re: Education of D.N.** – Waive fee and activate the license. Licensee must complete required CE for 2022 by April 30, 2023.
- **In Re: Education of J.H.** – Deny request.
- **In Re: Education of J.M.H.** – Deny request.
- **In Re: Education of J.M.** – Defer consideration of request; licensee to provide documentation to support hardship claim prior to the next KREC meeting with the option to pay fine now or defer.
- **In Re: Education of J.P.** – Deny request.
- **In Re: Education of J.S.** – Defer consideration of request; licensee to provide documentation to support hardship claim prior to the next KREC meeting with the option to pay fine now or defer.
- **In Re: Education of M.C.** – Defer consideration of request; licensee to provide documentation to support hardship claim prior to the next KREC meeting with the option to pay fine now or defer.

- **In Re: Education of M.K. and R.G.** – Deny request.
- **In Re: Education of M.S.** – Waive fine.
- **In Re: Education of R.G.** – Deny request.
- **In Re: Education of R.T.** – Deny request.
- **In Re: Education of S.L.** – Defer consideration of request; licensee to provide documentation to support hardship claim prior to the next KREC meeting with the option to pay fine now or defer.
- **In Re: Education T.F.** – Defer consideration of request; licensee to provide documentation to support hardship claim prior to the next KREC meeting with the option to pay fine now or defer.
- **In Re: Education of V.G.** – Defer consideration of request; licensee to provide documentation to support hardship claim prior to the next KREC meeting with the option to pay fine now or defer.

Commissioner Day seconded the motion to take the above-listed actions and deferrals regarding Applicant and Licensee requests. Having all in favor, the motion carried.

22-KREC-003 request to withdraw – Commissioner Carter moved to authorize Legal Counsel to inform the complainant that she is not permitted to withdraw. Commissioner King seconded the motion. Having all in favor, the motion carried.

Old Business

No discussion.

Public Comment

No public comments received.

Approval Per Diem

1. Commissioner Disney made a motion to approve the per diem and travel expenses for the January 17, 2023 ARC Meeting for Commissioners Day and Sickles. Commissioner Carter seconded the motion. Having all in favor, the motion carried.
2. Commissioner King made a motion to approve the per diem and travel expenses for the January 10, 2023 travel for Chairperson Disponett for attending the ARRS Meeting. 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 January 17, 2023 CSC Meeting for Commissioners Carter and Sickles. Commissioner Day seconded the motion. Having all in favor, the motion carried.
4. Commissioner King made a motion to approve the per diem and travel expenses for the January 19, 2023 KREC Regular meeting. Commissioner Sickles seconded the motion. Having all in favor, the motion carried.

Meeting Adjournment

Commissioner Sickles made a motion to adjourn the meeting. Commissioner Carter seconded. Meeting adjourned at 12:31 p.m.

Next Meeting

The next Commission meeting will be February 16, 2023 at 9:00 a.m.

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 January 19, 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 January 19, 2023 meeting at its meeting held on February 16, 2023.

Natalie W. Brawner
KREA Executive Director

Date: 2/21/2023