

# Kentucky Real Estate NEWS

## *Commission Fondly Remembers Michael Wayne Wooden (11/21/49 - 09/01/16)*



Executive Director Michael W. Wooden died suddenly on September 1, 2016, at his home in Louisville. Michael was 66 years old and he leaves behind his beautiful wife, Cecelia; daughter Kelly; son Kenton; and four grandchildren (Mikayla, Liam, Eliza, and Ryan).

Michael's passing was certainly a shock to everyone at the Kentucky Real Estate Commission (the "Commission") and the real estate industry as a whole. Michael was appointed as Executive Director on August 1, 2009. He served on various committees for the Association of Real Estate License Law Officials and was very involved with the Kentucky Association of REALTORS® ("KAR"). Michael worked hard to develop and strengthen the relationship between the KAR and the Commission. Under that strong working relationship, House Bill 149 was signed into law on March 30, 2015. House Bill 149 requires individuals licensed after January 1, 2016, to complete 48 hours of classroom or online hours of Commission-approved post-license education. Michael was very passionate about increasing the skills and practicum-based curriculum for new licensees that would, in turn, protect the public. He was very proud of this legislation and was able to see its implementation.

A few of Michael's other accomplishments included: State

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Issue No. 231, Fall

# Comments from the Chair

by: Kimberly Sickles,  
Chair



## Season's Greetings!

In this final issue of the 2016 KREC newsletters, I want to take this opportunity to remind principal brokers and affiliates of the mandate in KRS 324.160(6), which states in relevant part, “the principal broker and his or her designated manager, if any, shall exercise **adequate supervision** over the activities of licensed affiliates and all company employees to *ensure that violations of this chapter do not occur.*” [Emphasis added]. This is a very challenging responsibility. Nevertheless, if a disciplinary charge is brought against a principal broker’s affiliate, a charge is also brought against the principal broker for failure to exercise adequate supervision. Principal brokers should, therefore, provide in their Sworn Answer to Complaint what policies and procedures are in place in their offices to safeguard against the violation(s) cited in the Complaint. It is not sufficient to simply address what the principal broker did after they became aware of an issue that led to the Complaint. Rather, principal brokers must be proactive in the management and supervision of their offices.

Many licensees mistakenly believe that the traditional independent contractor status of affiliated licensees minimizes the principal broker’s duty to supervise. This is based upon the assumption that if

the principal broker directs the actions of the affiliate, the affiliate will lose their independent contractor status and the principal broker or brokerage firm will incur employer tax liabilities. There are three important reasons this is not true. First, the Internal Revenue Code and Kentucky tax laws both exempt real estate agents from the definition of “employee.” Second, although a principal broker or brokerage firm may not be personally at fault for the negligent conduct of an affiliate, consumers routinely bring lawsuits against both the agent and the principal broker or brokerage firm. Kentucky courts have imposed damages against the principal broker or firm, as well as the agent. Lastly, and most importantly, is that the failure to comply with the mandate to provide adequate supervision subjects the principal broker to one or more of the disciplinary sanctions set forth in KRS 324.160. It is my hope that this brief reminder will help principal brokers avoid these sanctions.

On a personal note, I want to take this opportunity to express how much I have enjoyed serving as Chairperson of the Commission this past year. I want to thank my fellow commissioners and staff for all their time and hard work to keep the Commission operating efficiently and smoothly with all the changes this year brought.

## 2017 Commission Meeting Dates

February 23, 2017  
(Louisville)

March 23, 2017  
(Louisville)

April 20, 2017  
(Louisville)

May 18, 2017  
(Louisville)

July 20, 2017  
(Northern KY)

August 17, 2017  
(Louisville)

October 12, 2017  
(*Half-Century Awards Luncheon*)  
(Louisville)

November 16, 2017  
(Louisville)

December 14, 2017  
(Louisville)

## The Commission will be closed on:

December 23 & 26, 2016  
*Christmas Holiday*

December 30, 2016 &  
January 2, 2017  
*New Year’s Holiday*

January 16, 2017  
*Martin Luther King, Jr. Day*

# Shelly Saffran Named as Interim Executive Director



At the November 17, 2016 Commission meeting, Shelly Saffran was appointed the Interim Executive Director by a unanimous vote. The appointment was effective immediately.

Since the passing of Michael

Wooden, the Commission has been actively searching and interviewing candidates for a permanent Executive Director. Interviews are continuing and the commissioners are hopeful a new Executive Director will be named either in late 2016 or early 2017.

Shelly takes on the interim position with a considerable amount of experience. She has over 25 years at the Commission and has worked closely with five former Executive Directors. Shelly has been the Director of Administration for the last 18 years. During the interim period, Shelly will continue to perform her duties as the Director of Administration, in addition to assuming the responsibilities of the

Interim Executive Director. Shelly Saffran, Interim Executive Director, said, "It's such an honor to be appointed as the Interim Executive Director. I will do my best to continue the efforts of the commissioners and staff to provide services to real estate licensees and the consumers of the Commonwealth."

The commissioners feel certain with Shelly's leadership and the Commission's incredible staff, services for licensees and consumers will continue during this transition. This will allow the commissioners to conduct a thorough search and find just the right person to lead the Commission staff on a day-to-day basis.

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## Use of Directional Signs for Listed Properties

By: *Rhonda K. Richardson*  
General Counsel

At its August 2016 meeting, the Commission was asked for guidance on the use of directional signs used in marketing listed property. The specific question asked was whether the full name of the real estate company, as registered with the Commission, must be utilized on a sign providing directions to the listed property or may an abbreviated version of the name be used. For example, "Re/Max Elite" shortened to just "RE/Max" on the directional sign. The license laws governing this question are KRS 324.117(4) and 201 KAR 11:105 Section 3(1).



This issue was previously addressed at the December, 2003 commission meeting. At that time, a Boyle County Circuit Court Judge was asking a similar question, which was whether directional signs were required to contain the real estate company name or the principal broker's name. The Commission determined that direction signs do not have to comply with KRS 324.117. However, at the time of this earlier opinion, 201 KAR 11:105 did not contain the mandatory language of KRS 324.117. This regulation was amended in 2005 to add Section 3(1), which reiterates the language of KRS 324.117, requiring all advertisements of listed property to "...include the name of the real estate company where the licensee's license is held or the name of the real estate company's principal broker...."



At its August 2016 meeting, after discussing the issue, the Commission reaffirmed its earlier interpretation that directional signs do not have to comply with KRS 324.117 and 201 KAR 11:105. Thus, an abbreviated version of the firm name is allowable.

KREC  
Commissioners



Kimberly Sickles, Chair



Dana Anderson, Vice-Chair



Bob Roberts



Tom Biederman



Tom Waldrop

# KREC “HOTLINE” FAQs

## *Who’s Asking What?*

By: Y. Denise Payne Wade  
KREC Staff Attorney



In 2016, there has been a significant increase in the number of “Hotline” requests for legal advice. Most of the requests have been made by licensees who are sales associates attempting to address legal issues that have surfaced in real estate transactions of clients. More often than not, the legal issues are not governed by KRS Chapter 324 or Title 201 Chapter 11. Instead, they raise breach of contract issues governed by contract law, not real estate license law. Licensees must not involve themselves in such matters, beyond advising their clients to contact a private attorney. It should be noted that licensees are prohibited from, directly or indirectly, providing legal advice to their clients and from otherwise engaging in the unauthorized practice of law—a criminal offense in violation of KRS 524.130.

***If the legal rights of a licensee’s client become an issue in a real estate transaction, the licensee’s client—not the licensee, on behalf of his or her client—should contact a private attorney.***

Finally, it should also be noted that Commission attorneys provide legal advice on the license laws to the Commission only. They are not authorized to provide legal advice to licensees or to any other member of the general public. Commission attorneys may only assist licensees by clarifying real estate license laws.



***Excellent turnout for the Commission Meeting in Lexington, Kentucky on July 21, 2016, at the Griffin Gate Hotel***

## Vatishia Hunter Hired as Commission Fiscal Officer



We are very pleased to announce that Vatishia Hunter has joined the Commission. Vatishia was hired on October 1, 2016, as the **Commission's Fiscal Officer**. This position was previously held by Tracy Delgado.

Vatishia has 12 years of experience in the field of accounting at governmental entities in city and state government. In her most recent position, Vatishia was a financial analyst for the Kentucky

Department of Education. Her experience is enhanced by her MBA in Accounting, and she is currently working on her CPA in her spare time.

Vatishia is responsible for all of the Commission's financial records, which include: accounts payable/receivable, budgetary oversight, and monthly and year-end reporting. She also generates spreadsheets and graphs for monthly Commission meetings.

Vatishia says this about her new job, "The Commission has a fantastic staff and I feel very fortunate to be a part of the team."

Vatishia lives in Louisville with her daughter, Tania. She is engaged to her fiancé, Dawan Jackson, and they plan on having a summer wedding in 2017.

Welcome aboard Vatishia!

## Commission Says Goodbye to Tracy Delgado



It is with sadness and joy that we say goodbye to former Fiscal Officer, Tracy Delgado. Tracy resigned from the Commission on October 15, 2016.

Although everyone will miss her very much, the commissioners and staff are also excited for her and the next chapter of her life.

Tracy and her husband, Gil, are moving to Bluffton, South Carolina. They are fulfilling their dream of building a home and retiring near the shores of Hilton Head.

Tracy has played a tremendous role with the Commission for the past seven years and will be greatly missed. While serving as the Commission's Fiscal Officer, Tracy's attention to details, strong work ethic, and sound financial skills certainly helped make the Commission stronger. Tracy was always willing to spearhead many projects at the Commission and was a great example of being a true team player. Tracy was loved by everyone and her presence will be greatly missed.

Best of luck Tracy! Please know you will always have a home at the Kentucky Real Estate Commission.

## Continuing Education KREC vs. Board Requirements



The Commission receives many calls from licensees inquiring about their "ethics training" requirements. The answer to that question is, "The Commission does not have *ethics training* requirements. Those questions should be addressed to by local board." All licensees are subject to the license laws in KRS Chapter 324 and Title 201 Chapter 11, which include annual continuing education requirements for active licensees. Licensees who choose to be a member of a Board of REALTORS® are subject to the license laws listed above **AND** *ethics training*. If you have specific questions about *ethics training*, please contact your local board.

\*\*\***REMINDER**\*\*\* - *Ethics training classes typically do not count as license law credit under the continuing education requirements of the Commission. Most Commission-approved ethics C.E. courses will only count as elective credit, not law.*

# Commonwealth Recognizes Two Commission Employees!

*Staff Attorney Denise Payne Wade and Licensing Specialist Michelle Gary Both Received a 20-Year Recognition of Achievement Award from the Commonwealth of Kentucky*



**Denise Wade (left) receiving her award from Vice-Chair Dana Anderson (right)**



**Chair Kimberly Sickles (left) presenting the award to Michelle Gary (middle), along with her supervisor, Kristen Reese (right)**

The Commission would like to congratulate Staff Attorney **Denise Payne Wade** and Licensing Specialist **Michelle Gary** for being the recipients of the Commonwealth of Kentucky's **Recognition of Achievement** Award. The awards were signed by Governor Matthew G. Bevin in recognition of their 20 years of dedicated service and commitment to the citizens of the Commonwealth of Kentucky.

Ms. Wade has spent the last 13 years in the legal department at the Commission. Her other years of service were served at the Public Service Commission, the Department of Insurance, and the Board of Medical Licensure. Ms. Wade has been a very valued member of the legal department during her tenure.

Ms. Gary has spent her entire 20 years at the Kentucky Real Estate Commission. She began her career as a paralegal in the Commission's legal department and was promoted to Licensing Specialist in 2001. She remains in that role today and is an integral part of the Commission.

Congratulations to both Denise and Michelle! The Commission truly appreciates your service.

## FBI Background Checks - Cost Decreases, BUT . . . Turnaround Time Increases

Effective October 1, 2016, the cost of the FBI report processing from the Kentucky State Police (“KSP”) was decreased to \$32.00. Any fingerprints received by the KSP on or after that date must be accompanied by a check for the new amount of \$32.00, otherwise the fingerprints and check will be returned to the individual for correction.

The FBI report processing time is approximately three weeks from the time the KSP receives the fingerprint card to the time the report is received by the Commission. Applicants are encouraged to email Patricia Farris ([patricia.farris@ky.gov](mailto:patricia.farris@ky.gov)) about three weeks after they submit their fingerprint card to the KSP to verify the report has been received. Please include your full name as it appears on the fingerprint card and your date of birth in the email. Ms. Farris will be able to verify if the Commission has received the completed FBI report or if the fingerprint card was rejected. It is a good idea to check with the Commission because contact information is not included with the FBI report that the Commission receives. As a reminder, applicants may sit for the real estate exam while they are waiting for the Commission to receive the FBI report.

Also, an applicant must submit his or her completed fingerprint card and check to the KSP prior to **scheduling** the real estate exam. There are step-by-step instructions on the Commission’s website under the “Fingerprinting Instruction Sheet.” These instructions contain the **required** information necessary for the fingerprint card. The required Originating Agency Identification “ORI” Number is [KY920229Z](#) and the “Reason Fingerprinted” is [KRS 324.045 Real Estate License Law](#). In addition to the Fingerprinting Instruction Sheet, applicants should also print the Fingerprinting Tips. Also, please remember that FBI reports expire six months from the date of issuance.

## Fondly Remembering Michael Wayne Wooden

*Continued from Page 1*

Representative, 36th District; board member for District 6 of the Jefferson County Board of Education; appointed member of the Board of Alderman for the City of Louisville; board of directors for the Home of the Innocents; and, board member of Music Theatre Louisville.

Michael was a life-long New York Yankee baseball fan, and he loved University of Louisville sports. He loved spending time with Cecelia, his wife of 26 years, and his cherished children, grandchildren, brothers, family members and friends.

The Commission members recently approved a *Resolution in Loving Memory of Michael Wayne Wooden* and presented it to his wife, Cecelia, at the 50/60 Year Awards luncheon.

Michael will be missed by many and his legacy will live on at the Commission. Our thoughts, prayers, and condolences go out to Cecelia and all of Michael’s family and friends.



*Commissioner Dana Anderson and Chair  
Kimberly Sickles attending the 2016 KREC  
Educator’s Conference*

## Awards Luncheon for Licensees with 50 & 60 Years!

On October 13, 2016, the Commission proudly honored licensees with 50 and 60 years of licensure. This was the 18th Annual Half-Century Awards luncheon. The event is a tribute to the licensees who have served the Commonwealth of Kentucky through their dedication and contributions to the real estate industry. Honorees with 50 years of licensure were presented a plaque. Honorees with 60 years of licensure were presented a lapel pin. The Commission has named licensees who reach the 60-year licensure mark as the “Legends” and they are pictured on Page 9.

Honorees, guests, and industry leaders from across the state were treated to a luncheon and special presentation by comedian Mack Dryden. The event is very dear to the commissioners and staff. Special thanks to Commission employee Dianna Rogers for her hard work in coordinating the event, and to Commission employee Karen Huff for creating the video presentation.

Again, congratulations to all of the licensees who reached the 50 & 60 year milestone. It is a tremendous accomplishment and the commissioners and staff enjoyed getting to know the honorees!



*Pictured left to right, front row: Donovan L. Smith, Thomas L. Hall, Rebecca L. Harrison, Helen E. Walter, Mary A. Scheler, Shirley W. Wiseman, Glenda S. Gibson, and James D. Isenberg; back row, John R. Westerman, Edsel O. Byers, Patrick A. Hayden, Terry R. Anderson, Commissioner Tom Biederman, Commissioner Dana Anderson, Charles W. Bradley, Chairperson Kimberly Sickles, Kenneth Reutlinger, Jr., John P. Vogt, Commissioner Tom Waldrop, Clarence E. Truax and Commissioner Bob Roberts.*

*Licensees honored, but not present: Marvin E. Alexander, Carita W. Arnold, Ruth Betty Baker, Howard L. Barber, James A. Brown, Larry S. Burcham, Michael P. Burns, Coleman D. Callaway, III, Sidney W. Eline, Jr., Harvey G. Ershig, Dorothy M. Fly, Ronnie L. Galloway, Harold L. Hall, II, Dennis D. Harrell, Edward F. Hay, Barbara A. Isaac, William F. Lockett, Jr., Jack A. Mulcahy, George S. Piatt, Erma B. Risley, Patricia A. Ryan, Lee F. Sadler, Leslie M. Voiers, James J. Webb, Thomas D. Wilson, David Y. Wood, and Sidney E. Wright*

# Licensees Honored with 60 Years of Licensure *The “Legends”*



*Pictured left to right: Commissioner Tom Biederman, Chair Kimberly Sickles, Legend William Kachler, Legend Donald R. Ball, Commissioner Dana Anderson, Commissioner Bob Roberts, and Commissioner Tom Waldrop*

*\*Legends who were not able to attend were: Jack R. Ely, Ray S. Keeney, and Clarence A. Woodall, Jr.\**

## Kentucky Real Estate Commission Education, Research and Recovery Fund Annual Statement of Income and Expenses Fiscal Year Ending June 30, 2016

### **Income FY 2014/2015**

Exam Recovery Fee	34,470
Reciprocal Recovery	5,220
Renewal Recovery	641,970
Core Course	6,414
Investment Income	10,282
Restitution from Complaints	1,000

**TOTAL INCOME** \$699,356

### **Expenditures FY 2014/2015**

Personnel	293,087
Legal Services	7,531
Investigative Services	107,172
Speaker Fees	7,999
Office Rental	19,901
Postage Delivery	190

### **Expenditures Continued -**

Postage Meter & Bulk	14,646
State Fair Expenses	9,193
Cassettes/Books	1,674
In-State Travel	85
Out-of-State Travel	36,332
Subpoenas/Court Fees	144
Subscriptions	4,518
Seminar Refreshments	13,123
College Grants	73,445
Storage Fees	26,306
On-line Subscriptions	7,452
Computer Equipment	3,635
Operating Systems/Software	79,368
Office Software	4,000

**TOTAL EXPENDITURES** \$709,801

# Continuing Education Reminder

## DEADLINE IS DECEMBER 31, 2016

### Who is subject to continuing education in 2016?

All active licensees licensed by the Commission on or after June 19, 1976, and before January 1, 2016, must successfully complete six (6) hours of classroom or online continuing education (“CE”) courses (three (3) of the six (6) hours must be in law) by December 31, 2016. As part of that requirement, active licensees must also attend a Commission-approved core course once every four (4) years. Taking the core course shall satisfy the licensee’s mandatory CE requirement for the year in which the course is taken. Disclaimer: Licensees who were issued a license after January 1, 2016, are exempt from CE for the first two (2) calendar years, but they are subject to the forty eight (48)-hour post-license education (“PLE”) requirement.

### Can I verify my hours have been satisfied and whether or not it is my Core Year?

YES, licensees can verify their “core year” and the number of hours posted for the year by navigating to the Commission’s website ([krec.ky.gov](http://krec.ky.gov)) and clicking on the “Licensee Database.” Under each licensee’s record is a “CE History” tab, which is individualized with each licensee’s requirement. It will show “core year” requirements and it will also show the number of hours posted for law and non-law in 2016. Keep in mind that classes take several weeks to post to individual licensee records on our website.



*Commission Employees: Rachael Carmicle, Karen Huff, Kristen Reese, and Michelle Gary at the 2016 KREC Educator’s Conference*

### How do I sign up for continuing education classes or the core class?

All of the approved continuing education providers are listed on the Commission’s website. Although there is not a schedule of continuing education classes, you can view the Kentucky Core Course schedule. Always verify with the providers that the course you plan to take is approved by the Kentucky Real Estate Commission. When signing in for a continuing education class, all licensees will need to provide his or her license number (which can be looked up on the Commission’s website) to the provider offering the course. The Commission does not offer continuing education courses, so licensees must contact the providers directly.



### What if I miss the December 31, 2016 deadline?

In order to remain active, a licensee has until February 10, 2017 to enter into a delinquency plan, pay a \$500 fine and complete the delinquent CE requirements for 2016 by June 15, 2017. A licensee can elect under the delinquency plan to go into escrow, but they must also pay the \$500 fine and complete the delinquent hours prior to reactivating their license. A licensee who does not respond to the Commission by February 10, 2017, shall have his or her license cancelled for nonfulfillment.

**DON’T DELAY! CLASSES FILL UP FAST!**



*General Counsel Rhonda Richardson presenting at the 2016 KREC Educator’s Conference*

# UPDATING SELLER'S DISCLOSURE OF PROPERTY CONDITION FORM

KRS 324.360 AND 201 KAR 11:350

By: *Rhonda K. Richardson*  
General Counsel



Amendments to the Seller's Disclosure of Property Condition Form ("SDF") became effective on May 6, 2016; however, the Commission began enforcing the use of the new SDF, September 1, 2016. See, the Summer 2016, Newsletter, Issue No. 230, for more details about the changes made to the SDF.

As with any change, there have been numerous questions about updating the SDF. This article addresses the question: When and how should the SDF be updated?

Two hypotheticals best illustrate and clarify when and how the SDF should be updated. In both, the Licensee has a listing agreement with a Seller. The Licensee has had the Seller fill out the SDF at the time the listing agreement is signed, in compliance with KRS 324.360(4) and 201 KAR 11:350, Section 2.

## **HYPOTHETICAL #1**

The Licensee holds an open house and hands out numerous SDFs to prospective buyers. After the open house, Seller discovers that the basement has leaked due to heavy rain, which has never happened before. So, Seller calls agent to tell him about the incident.

## **HYPOTHETICAL #2**

Seller receives and enters into a contract for sale and provides the buyer's agent a copy of the SDF within seventy-two (72) hours as required by KRS 324.360(4). The home inspection reveals that the sewer line has major cracked and collapsed lines, which was unknown to Seller, and the sewer line must be replaced. The buyer terminates the contract and the property goes back on the market.

- ▶ Must the SDF be updated to add the newly discovered information?
- ▶ Does the Licensee have the Seller complete a new SDF?
- ▶ Should the Licensee advise the Seller to use the "Space for Additional Information" section of the original SDF to update it?
- ▶ Should the Licensee have Seller update the SDF, using an addendum, to disclose the newly discovered information?

In both hypotheticals, when the Licensee learns of the issues, the Licensee should ask the Seller to update the SDF by completing a separate "addendum" that discloses the newly discovered information. The addendum should be attached to the original SDF and maintained in the principal broker's files. This addendum can use the language on the form to describe the issue that is being updated in the addendum. The Seller is free to provide any additional information they wish to disclose. The SDF provides for the minimum disclosures required by law. The "Space for Additional Information" section of the form is intended to provide the Seller space to disclose more details about issues already disclosed on the form.

Attaching an addendum is the proper way to "update" the original SDF for several reasons. First, the law requires it to be completed when the listing agreement is signed by the Seller, along with the date and time of signing. Second, the SDF also specifies that the disclosures are based on the Seller's observations from their date of purchase to the date of the signing the SDF only. Finally, by signing the SDF, the Sellers "...agree to immediately notify Buyer of any changes that may become known to Seller prior to closing by providing a written addendum hereto (emphasis added)." "Buyer," as used here, refers to a person who has made an offer to purchase real estate. Therefore, the Licensee does not need to provide an addendum updating the original SDF to "prospective" purchasers who have not made an offer.

**BEST PRACTICE TIP: ATTACH THE ADDENDUM TO THE ORIGINAL SDF SO THAT IT IS CLEAR THAT THE ADDENDUM IS AN UPDATE TO THE ORIGINAL.**



# Disciplinary Actions

**Kendra F. Hughes**

(Lexington)

Case No. 16-0064

**Violation:** Ms. Kendra F. Hughes stipulated to a violation of KRS 324.160(4)(t), for violating 201 KAR 11:230, by failing to satisfy her 2015 continuing education requirement as required by the terms of her delinquency plan and agreement with the Commission.

**Disposition:** Ms. Hughes agreed that her license shall be changed from “escrowed” to “suspended for six (6) months.” If she fails to reinstate her license within the ninety (90) days following the completion of the 6-month suspension period, then her license shall be canceled.

**Harry C. Lewman, Jr.**

(Louisville)

Case No. 16-0067

**Violation:** Mr. Harry C. Lewman, Jr. stipulates to a violation of KRS 324.160(4)(t), for violating 201 KAR 11:230, by failing to satisfy his 2015 continuing education requirement as required by the terms of his delinquency plan and agreement with the Commission.

**Disposition:** Mr. Lewman agreed that his license shall be suspended for six (6) months. If he fails to reinstate his license within the ninety (90) days following the completion of the 6-month suspension period, then his license shall be canceled.

**David S. Bowen**

(Goshen)

Case No. 14-0080

**Violation:** Mr. Davis S. Bowen stipulated to a violation of KRS 324.160(4)(t) by inadvertently failing to timely pay an agreed-upon

fine imposed by the Commission.

**Disposition:** Mr. Bowen agreed to pay a fine to the Commission in the amount of five hundred dollars (\$500.00) and to successfully complete the Commission’s 3-hour Post-License Education (PLE) Compliance Course, in addition to any education hours he is otherwise required to complete.

**Robert Carlton**

(Williamson, WV)

Case No. 16-0060

**Violation:** Mr. Robert Carlton stipulated to a violation of KRS 324.160(4)(t), for violating 201 KAR 11:230, by failing to satisfy his 2015 continuing education requirement as required by the terms of his delinquency plan and agreement with the Commission.

**Disposition:** Mr. Carlton agreed to pay a fine to the Commission in the amount of Five Hundred Dollars (\$500.00) and successfully completing the Commission’s 3-hour Post-License Education (PLE) Compliance Course, in addition to any education hours he is otherwise required to complete.

**Anna Gonzalez**

(Georgetown, IN)

Case No. 15-0063

**Violation:** Ms. Anna Gonzalez stipulated to a violation of KRS 324.160(4)(t) for failing to timely comply with the FBI report filing requirements.

**Disposition:** Ms. Gonzalez agreed to pay a fine to the Commission in the amount of Five Hundred Dollars (\$500.00) and to successfully complete the Commission’s 3-hour Post-

License Education (PLE) Compliance Course, in addition to any hours she is otherwise required to complete.

**Joseph C. Janes**

(Bowling Green)

Case No. 16-0003

**Violation:** Mr. Joseph Janes stipulated to a violation of KRS 324.160(4)(t) by failing to timely pay an agreed-upon fine imposed by the Commission.

**Disposition:** Mr. Janes agreed to pay a fine to the Commission in the amount of five hundred dollars (\$500.00) and to successfully complete the Commission’s 3-hour Post-License Education (PLE) Compliance Course, in addition to any education hours he is otherwise required to complete.

**Kathy Kelly-Jacobs**

(Atlanta, GA)

Case No. 14-0079

**Violation:** Ms. Kathy Kelly-Jacobs stipulated to a violation of KRS 324.160(4)(t) by inadvertently failing to timely pay an agreed-upon fine imposed by the Commission.

**Disposition:** Ms. Kelly-Jacobs agreed to pay a fine in the amount of five hundred dollars (\$500.00) and to complete the Commission’s 3-hour Post-License Education (PLE) Compliance Course, in addition to any education hours she is otherwise required to complete.

**Quinn M. Nockerts**

(Louisville)

Case No. 16-0068

**Violation:** Mr. Quinn M. Nockerts stipulated to a violation of KRS

## Disciplinary Actions

*Continued from Page 12*

324.160(4)(t), for violating 201 KAR 11:230, by failing to satisfy his 2015 continuing education requirement as required by the terms of his delinquency plan and agreement with the Commission.

**Disposition:** Mr. Nockerts agreed to pay a fine to the Commission in the amount of Five Hundred Dollars (\$500.00), successfully complete the Commission's "Kentucky Core Course," to satisfy his 2015 continuing education hours and shall successfully complete the Commission's 3-hour Post-License Education (PLE) Compliance Course, in addition to any education hours he is otherwise required to complete.

### Judy D. Pocker

(Louisville)

Case No. 14-0037

**Violation:** Ms. Judy Pocker stipulated to a violation of KRS 324.160(4)(t) for violating 201 KAR 11:121 and 201 KAR 11:400 by inadvertently failing to act with reasonable care and diligence in a transaction involving the purchase of a condominium and her buyer-clients' request for the property's financial information. These violations arose from Ms. Pocker's inadvertent failure to notify her buyer-client that the client had a right to receive a completed Condominium Seller's Certificate from the seller. They also arose from her inadvertent failure to attempt to obtain the completed certificate and from her premature completion and presentation of an agency disclosure statement form.

**Disposition:** Ms. Pocker agreed to pay a fine to the Commission in the amount of four hundred dollars (\$400.00). She also agreed to

successfully complete three (3) continuing education hours, in law, in addition to any hours she is otherwise required to complete.

### Darrell W. Defler

(Louisville)

Case No. 14-0037

**Violation:** Mr. Darrell Defler stipulated to a violation of KRS 324.160(6) by failing to exercise adequate supervision over the activities of Ms. Pocker to ensure that her stipulated violations would not have occurred

**Disposition:** Mr. Defler agreed to pay a fine in the amount of four hundred dollars (\$400.00). He also agreed to successfully complete three (3) continuing education hours, in law, in addition to any hours he is otherwise required to complete.

### Jennifer Robertson

(West Palm Beach, FL)

Case No. 16-0069

**Violation:** Ms. Jennifer Robertson stipulated to a violation of KRS 324.160(4)(t), for violating 201 KAR 11:230, by failing to satisfy her 2015 continuing education requirement as required by the terms of her delinquency plan and agreement with the Commission.

**Disposition:** Ms. Robertson agreed to pay a fine to the Commission in the amount of Five Hundred Dollars (\$500.00) and successfully complete the Commission's 3-hour Post-License Education (PLE) Compliance Course, in addition to any education hours she is already required to complete.

### Amanda Terry

(Glenview)

Case No. 15-0062

**Violation:** Ms. Amanda Terry stipulated to a violation of KRS 324.160(4)(t) for failing to timely comply with the FBI filing requirements.

**Disposition:** Ms. Terry agreed to pay a fine to the Commission in the amount of five hundred dollars (\$500.00) and to successfully complete the Commission's 3-hour Post-License Education (PLE) Compliance Course, in addition to an education hours she is otherwise required to complete.

### Jeffrey T. Sleadd

(Louisville)

Case No. 16-0071

**Violation:** Mr. Jeffrey T. Sleadd stipulated to a violation of KRS 324.160(4)(t), for violating 201 KAR 11:230, by failing to satisfy his 2015 continuing education requirement as required by the terms of his delinquency plan and agreement with the Commission.

**Disposition:** Mr. Sleadd agreed to pay a fine to the Commission in the amount of Five Hundred Dollars (\$500.00) and shall successfully complete the Commission's 3-hour Post-License Education (PLE) Compliance Course, in addition to any education hours he is otherwise required to complete.



**General Counsel Rhonda Richardson (left) being sworn in as the Alternate Delegate for the Association of Real Estate License Law Officials**

## Kentucky Real Estate Commission

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### Commissioners

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Louisville

**Dana Anderson, Vice-Chair**  
Louisville

**Bob Roberts**  
Richmond

**Tom Biederman**  
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**Tom Waldrop**  
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Interim Executive Director &  
Director of Administration

Mary O'Wheatley  
Dianna Rogers  
Vatishia Hunter

#### Education and Licensing

**Kristen Reese**  
Director of Licensing and  
Education

Michelle Gary  
Karen Huff  
Rachael Carmicle

#### Legal

**Rhonda K. Richardson**  
General Counsel

Denise Wade, Staff Attorney  
Patricia Farris

## Licensee Education Requirements Explained



**Continuing Education ("CE") - Required to be completed on calendar-year basis (January 1 - December 31).** Active licensees are required to take six (6) hours of continuing education (three (3) of which must be in law) on a calendar-year basis. Hours cannot be carried over to the next year. Sales associates, who were licensed prior to January 1, 2016, and all broker-issued licensees are exempt from CE during their first calendar year of licensure. Sales associates, who were issued a license on or after January 1, 2016, are exempt from CE during their first two (2) calendar years of licensure. All licensees who were licensed prior to June 19, 1976, are exempt from CE. CE providers can be found on the Commission's website. CE course schedules are not available on the Commission's website. Licensees must contact the providers directly.

**Kentucky Core Course - Required to be completed once every four years (January 1 - December 31).** All licensees who are subject to continuing education are required to complete the Kentucky Core Course once every four (4) years. Licensees should check the KREC website database for verification of their Core year. The Core Course schedule and providers can be found on the Commission's website.

**Post License Education ("PLE") - Required to be completed two (2) years from the date of initial active licensure for sales associates licensed after January 1, 2016.** Broker licensees are not subject to PLE. The deadline for PLE will depend on when the active sales associate license was issued. The PLE requirement consists of forty-eight (48) hours of post-license course curriculum, which is broken down into thirty-two (32) mandatory hours and sixteen (16) elective hours. The mandatory hours consist of nine (9) specific topics with a set number of required hours for each topic. The PLE providers can be found on the Commission's website. A PLE Course Tracking chart has been added to the Commission's website to assist licensees in tracking their PLE. The chart is located under the Post-License Overview tab.

### **PRINCIPAL BROKERS CANNOT PLACE AFFILIATED LICENSEES IN ESCROW**

Many licensees wish to place their license in escrow at the end of the year. The principal broker can only release the license. The licensee is responsible for logging into the Online Licensing Services portal of the website and paying the \$10 fee to place the license in escrow. This can only be done after the principal broker has released the license through the online portal. The license can be placed in escrow by the licensee on or before December 31st, if the licensee is not going to be able to complete the mandated CE requirement for the current calendar year.

*Happy  
Holidays*

*From Everyone at the  
Kentucky Real Estate Commission*

