

### **831 KAR 1:030. Education requirements.**

RELATES TO: KRS 330.050, 330.060, 330.070, 330.095

STATUTORY AUTHORITY: KRS 330.050(8), 330.060(1), 330.070(7), 330.095

NECESSITY, FUNCTION, AND CONFORMITY: KRS 330.050(8) authorizes the Board of Auctioneers to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330. KRS 330.060(1) requires applicants for an apprentice auctioneer or auction house operator's license to successfully complete instruction as prescribed by the board from a board-approved auction education provider. KRS 330.070(7) authorizes the board to require, as a condition precedent to the renewal of any license, that each licensee complete continuing education up to ten (10) hours per license year. This administrative regulation establishes preclicensing and continuing education requirements for all board of auctioneer licensees.

#### **Section 1. Education Providers.**

- (1) All required education shall be obtained from a board-approved provider.
- (2) A request to become an approved provider shall be made on the Continuing Education: Approved Provider Application form, KBA-4 provided by the board.
- (3) A prospective or approved provider shall notify the board in writing within thirty (30) days of any material change in information submitted on the application or attachments. Notification shall be made on the License Status and Information Update form, KBA-3, incorporated by reference in 831 KAR 1:010.
- (4) An approved provider shall submit to the board advance notification of each course offering on the Continuing Education: Course Notification form, KBA-5.
- (5) An approved provider shall submit to the board a roster of attendees completing a course within ten (10) days of completion. The roster shall include each attendee's name, address, license number, and e-mail address.
- (6) An approved provider shall disclose to all potential students prior to enrollment:
  - (a) The full cost of each course, including tuition, books, and required materials; and
  - (b) The number of continuing education hours to be earned by attending and completing each course.
- (7) An approved provider shall maintain clear and correct written or electronic records for a minimum of five (5) years, including:
  - (a) Course handouts;
  - (b) Attendance records; and
  - (c) Course evaluations.
- (8) A provider's approval shall be subject to withdrawal for a violation of KRS Chapter 330 or 831 KAR Chapter 1.
- (9) A complaint against an approved provider shall be notarized and filed on the Complaint Form, KBA-6, which is incorporated by reference in 831 KAR 1:020.

#### **Section 2. Instructors.**

- (1) An instructor for a course provided pursuant to this administrative regulation shall hold or have previously held:
  - (a) Current and comprehensive knowledge of the subject matter they will be teaching;
  - (b) The ability to effectively teach, interact, and communicate with the attendees; and
  - (c) The ability to provide a controlled and positive learning classroom environment.
- (2) An instructor for a course provided pursuant to this administrative regulation shall not have:
  - (a) Had a professional license revoked or suspended;
  - (b) Been convicted of any crime involving auction, real estate, or any abuse of fiduciary responsibilities; or

(c) Been disciplined in any jurisdiction for falsifying student attendance records or completion of course requirements or other improper educational actions related to licensure.

(3) An instructor who is also a licensee shall receive continuing education credit for teaching a course approved pursuant to this administrative regulation once per educational year for the same course.

### Section 3. Auctioneer Education and Licensing Requirements.

(1) To be licensed as an apprentice auctioneer, an applicant shall show proof of a high school diploma or equivalent, unless waived by the board pursuant to KRS 330.060(1)(b).

(2) An applicant for a license shall obtain the required education from an approved provider or combination of approved providers.

(3) An applicant for a principal auctioneer license shall have successfully completed at least eighty (80) hours of approved classroom instruction.

(a) Up to eight (8) hours may include approved outside activities and field instruction, such as attendance at auctions; and

(b) Up to forty (40) hours may include approved distance learning.

(4) The board may waive the approved classroom instruction requirement if requested in writing by an applicant who demonstrates sufficient previous auction experience and competency.

(5) Reciprocity with any state that does not require an apprenticeship shall be granted after a licensee, who is a nonresident of Kentucky, has held his or her license for a minimum of one (1) year in the reciprocating state.

### Section 4. Licensee Continuing Education Requirements.

(1) A licensee shall attend a minimum of six (6) course hours of continuing education from any approved provider or combination of approved providers on or before May 31 of each license year.

(2) A licensee shall attend the Kentucky Auction Core Course at least once every four (4) years based on the board's schedule according to the licensee's birth month.

(a) A licensee seeking to reactivate a license from escrow shall complete the Kentucky Auction Core Course.

(b) A licensee with at least twenty-five (25) years of continuous licensure shall be exempt from the Kentucky Auction Core Course requirement.

(3) A licensee licensed prior to January 1, 1980 shall be exempt from this section.

### Section 5. Continuing Education Courses.

(1) A licensee may attend a live course or participate in a distance learning course in which the instructor and attendee are not physically present at the same location.

(2) A continuing education course shall focus on auctions or auction law.

(a) An approved provider shall keep all course material current with KRS Chapter 330 and 831 KAR Chapter 1.

(b) The Kentucky Auction Core Course shall include instruction in the core subjects of KRS Chapter 330, 831 KAR Chapter 1, ethics, and any other applicable subject matter.

(c) Real estate education classes shall not qualify for continuing education.

(3) Courses sponsored by the National Auctioneers Association and the Certified Auctioneer's Institute shall qualify for continuing education.

(4) General business meetings and noneducational portions of auctioneer conventions shall not qualify for continuing education.

(5) Live courses shall be subject to monitoring visits from board personnel.

(6) Distance learning shall be subject to periodic review by board personnel. For internet based courses, approved providers shall include "test" login information with the course

notification to the board, which shall authorize the board to review the material.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Continuing Education: Approved Provider Application", KBA-4, May 2019; and

(b) "Continuing Education: Course Notification", KBA-5, May 2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Auctioneers, 656 Chamberlin Avenue, Suite B, Frankfort, Kentucky 40601 Monday through Friday, 8 a.m. to 4:30 p.m.

(44 Ky.R. 2705; 44 Ky.R. 328; eff. 8-31-2018; Recodified from 201 KAR 3:100, 10-12-2018; TAm eff. 11-13-2018; 45 Ky.R. 3551; 46 Ky.R. 437; eff. 9-6-2019.)