

330.050 Board of Auctioneers -- Membership -- Supplies and conveniences -- Insurance -- Fees and charges -- Fund -- List of licensees -- Administrative regulations -- Removal of members -- Compensation.

- (1) There is hereby created a Board of Auctioneers. The Governor shall appoint a board consisting of five (5) members, all of whom immediately prior to the date of their appointment have been residents of the Commonwealth of Kentucky for five (5) years, and four (4) whose vocation for a period of at least five (5) years has been that of an auctioneer. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. The term of the members of the board shall be for three (3) years and until their successors are appointed and qualified. Members to fill vacancies shall be appointed for the unexpired term.
- (2) At no time shall there be more than two (2) auctioneer members of the same political party on the board. Whenever there is an auctioneer vacancy on the board, within sixty (60) days the Kentucky Auctioneer Association shall recommend to the Governor at least three (3) names for each auctioneer vacancy, and such appointment or appointments shall be made from the recommendations of the association, unless the Governor rejects the list of three (3) names and requests that the Kentucky Auctioneer Association submit a new list of three (3) names within sixty (60) days of the Governor's request. If the Kentucky Auctioneer Association fails to timely submit its recommendations to the Governor, the Governor may immediately appoint a qualified auctioneer to fill this vacancy.
- (3) The board, immediately upon qualification of the member appointed in each year, shall organize by selecting a chair from its members, who shall submit written recommendations to the secretary of the Public Protection Cabinet concerning staffing needs and relevant experience necessary to assist in carrying out the mission and function of the Division of Real Property Boards.
- (4)
 - (a) No member of the board shall reside in the same county as another member.
 - (b) A majority of the board shall constitute a quorum for the transaction of business.
 - (c) No member may serve on the board for more than six (6) consecutive years. A member may serve on the board for six (6) consecutive years on more than one (1) occasion if that person is not a member of the board for at least two (2) years between periods of board service.
- (5)
 - (a) The board shall obtain office space, furniture, stationery, and any other proper supplies and conveniences reasonably necessary to carry out the provisions of this chapter. If any items deemed to be reasonably necessary by or which are required by the board are available through vendors under contract with the Commonwealth of Kentucky at less cost than if obtained otherwise, then the items shall be acquired pursuant to the contract.
 - (b) The board shall have full authority to obtain for its members, staff, and employees complete insurance coverage, including, but not limited to, liability and errors and omissions insurance, so long as the insurance concerns the business of the board.

- (6) All fees and charges collected by the board under the provisions of this chapter shall be paid into the State Treasury through the Finance and Administration Cabinet and shall be credited to an agency fund account for the Board of Auctioneers under the provisions of KRS 45.253 and shall be withdrawn or expended as provided in that section, if such payment, credit, withdrawal, or expense provisions do not conflict with any provision of this chapter.
 - (a) The board may establish and collect reasonable fees relating to the administration and enforcement of this chapter for application or other processing costs, on-line service, continuing education provider services, copy and mailing services, or other fees necessary to offset the licensing and processing costs.
 - (b) The total expenses for all purposes and obligations of the board shall not exceed the total fees, charges, fines, penalties, and other income imposed under the provisions of this chapter and paid into the state treasury.
 - (c) The board shall be financially self-sustaining, and if funds permit it may underwrite, within its financial limitations, educational programs for the enlightenment and benefit of all licensees who have paid fees pursuant to this chapter.
- (7) The board shall maintain annually a list of the names and addresses of all licensees regulated by the board. This list shall also contain the names of all persons whose licenses have been suspended or revoked within the preceding year, as well as any other information relative to the enforcement of the provisions of this chapter that the board may deem of interest to the public.
- (8) The board may promulgate administrative regulations following review of the director of the Division of Real Property Boards within the Department of Professional Licensing in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by this chapter.
- (9) A board member shall be automatically removed from the board and a vacancy shall occur when:
 - (a) An auctioneer member of the board ceases to be a licensed auctioneer;
 - (b) A nonlicensed member of the board acquires a license regulated by the board;
 - (c) A board member enters a plea of guilty, an Alford plea, a plea of no contest to, or has been convicted of, any felony, and the time for appeal has passed or the judgment of conviction has been finally affirmed on appeal;
 - (d) A board member ceases to be a resident of the Commonwealth of Kentucky;
 - (e) The member displays incompetence, neglect of duty, or unprofessional conduct;
 - (f) The member fails to adhere to a duly adopted code of ethics of the board. Failure to adhere to this code shall be determined by official action of the board;
 - (g) The member enters a plea of guilty to, or has been found guilty of, a felony and the time for appeal has passed or the judgment of conviction has been finally affirmed on appeal; or

- (h) The member misses three (3) consecutive meetings or misses more than twenty-five percent (25%) of the meetings held over the previous twelve (12) month period.
- (10) The Governor shall set the compensation of the members of the board, but voting members of the board shall be compensated no less than three hundred dollars (\$300) per day for official business, subject to an annual maximum of six thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in the discharge of official business consistent with the reimbursement policy for state employees. With the approval of the director of the Division of Real Property Boards within the Department of Professional Licensing, board members and board staff may attend and travel to and from meetings and events relevant to the board and the industry the board represents.
- (11) The secretary of the Public Protection Cabinet shall:
 - (a) Consider the staffing recommendations and requests submitted by the chair; and
 - (b) Provide the board with documentation showing the income and expenditures of all license fees.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 182, sec. 17, effective July 15, 2024. -- Amended 2017 Ky. Acts ch. 178, sec. 32, effective April 11, 2017. -- Amended 2009 Ky. Acts ch. 70, sec. 5, effective June 25, 2009. -- Amended 1998 Ky. Acts ch. 285, sec. 2, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 344, sec. 4, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 170, sec. 3, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 407, sec. 2, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 79, sec. 2, effective July 15, 1982; and ch. 450, sec. 76, effective July 1, 1983. -- Amended 1978 Ky. Acts ch. 80, sec. 3, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 206, sec. 25. -- Amended 1974 Ky. Acts ch. 74, Art. II, sec. 9(1). - - Created 1962 Ky. Acts ch. 251, sec. 5.

Legislative Research Commission Note (4/11/2017). The Reviser of Statutes has corrected a manifest clerical or typographical error in subsection (9)(e), (f), (g), and (h) of this statute as amended in 2017 Ky. Acts ch. 178, sec. 32 by inserting the words "The member" at the beginning of the text to provide a subject for each of those paragraphs. This action was taken under the authority of KRS 7.136(1)(h).