

**330.050 Board of Auctioneers -- Membership -- Qualifications -- Terms -- Compensation -- Powers -- Employees -- Funds -- Publication of list of licensees -- Administrative regulations -- Removal of board members.**

- (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, 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.
- (3) The board, immediately upon qualification of the member appointed in each year, shall organize by selecting from its members a chairman.
- (4) Each member of the board shall receive the sum of twelve thousand dollars (\$12,000) per year, payable twice monthly, and reimbursement for actual and necessary expenses incurred in the performance of official duties.
- (5) The board shall have full authority to employ, and discharge, any personnel, including counsel, as it may deem necessary to efficiently administer and enforce the provisions of this chapter, and it shall outline the duties and fix the compensation of such persons, provided that compensation shall be comparable to the salaries paid other state employees, if any, which the board may deem to be doing similar work. 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. 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 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; or
  - (d) A board member ceases to be a resident of the Commonwealth of Kentucky.

**Effective:** June 25, 2009

**History:** 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.