

Must Know - Kentucky Real Estate Law Review

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IF a seller found a way to sell two houses
and you only were paid one commission, you would be upset.

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Kentucky Real Estate Commission

1. Definition KRS 010(2)

“Commission” means the Kentucky Real Estate Commission (KREC).

Web Address: <http://www.krec.us/krec.gov>

Physical Address: 10200 Linn Station Road - Suite 201 - Louisville, KY 40223

Phone: (502) 429-7250 Toll Free: (888) 373-3300 Fax: (502) 429-7246

2. KRS 324 means Kentucky Revised Statutes passed by state legislatures.

201 KAR 11 means the Kentucky Administrative Regulations which is the Commission’s interpretation of the laws.

3. About the Commissioners

There are 5 Commissioners, who are also known as members.

4 must be active licensees for the last 10 years and residents of Kentucky for 10 years.

1 member is a citizen at large (consumer member) and is not associated with the real estate industry.

No more than 3 Commissions can belong to any one political party.
The Chairperson of the Commission is selected by fellow Commissioners. (Annually)

4. Appointment of Commissioners

The Kentucky Association of Realtors shall supply a list of three names (broker or sales associate) to the Governor and the Governor selects from the list.
Vacancies arising mid-year may be filled by the Governor from those remaining on the list or a new list.

5. Term and Compensation

Commissioners are appointed for a 4-year term
Commissioners can serve no more than 2 consecutive terms.
Commissioners are paid \$15,000 per year plus actual and necessary expenses.

6. Automatic Removal of a Commissioner

If a member ceases to have a real estate license
If the consumer member acquires a license/interest in the real estate business
If a member pleads or is found guilty of a felony in which fraud is an essential element or any crime involving moral turpitude (If time for appeal is over or judgment affirmed on a appeal)
If a member ceases to be a bona fide resident of Kentucky

7. Duties and Powers of the KREC

Promulgate regulations – Promulgate means to announce
Hold disciplinary hearings - Conduct licensing examinations
Conduct continuing education classes - Develop a process to approve CE courses
Investigate violations of license law - Require continuing education of licensees
Set, charge and collect fees
Publish and maintain a registry of licensees (KREC database <http://web1.ky.gov/krec/>)

The KREC may NOT violate antitrust law by setting commission rates, fees or prices a real estate licensee charges.

8. Office and Employees

The Commission may employ those necessary to carry out the duties of the Commission and obtain office space, supplies and equipment necessary.

9. Commission Records

Records of the Commission are open to the public through a Public Records Request.

10. Sanctions and Penalties

Levy fines not to exceed \$1,000

Issue formal reprimands (public and found in the newsletter)

Issue informal reprimands (in the file of the licensee but not public)

Revoke a license

5 years will be the first time a person can ask to secure another real estate license

There is no guarantee that a person can secure another license after it has been revoked.

Suspension of a license

There is no time limit on a suspension

An agent cannot be active in the business while the license is suspended.

Send licensees back to school

Place a licensee on probation for up to 12 months

Licensure Requirements

1. Unlawful Brokerage

It is unlawful to practice real estate without a license.

It is unlawful to pay anyone who does not have a license a referral fee.

Unlicensed brokerage activity is a Class A **misdemeanor** for the **first offense** and a **Class D felony for any subsequent offenses.**

A **circuit court** may impose an **additional penalty** on any person who violates any provision of this chapter by **fining them not less than one hundred dollars (\$100) nor more than one thousand (\$1,000) or imprisoning them for a term not to exceed six (6) months, or both.**

The Kentucky Real Estate **Commission may seek and obtain injunctive relief** against any **unlicensed individual acting** in violation of this chapter by **filing a civil action in the Circuit Court** where the Commission is located or **where the unlawful activity** took place.

2. Builder-Developer Who Has a Licensee

A licensee who is an owner or builder developer must comply with all the law

3. Exceptions to Licensure

Owners, lessors, attorneys-in-fact may sell or lease his/her own property without a license

Attorney-at-law who is practicing law

Receiver, trustee, administrator, executor

Property managers if they are:

1. Employees of the owner
2. Employees of a broker
3. Receive as their primary compensation a residential unit

License is not required for a person or business who compiles and categorizes rental lists for a fee.

4. Application for Licensure

All license applicants must be 18 years of age and have a high school diploma or its equivalent
Education requirements for **sales license** is 6 academic credit hours from an accredited real estate school or 96 clock hours from an approved school

Education requirements for **a broker's license** is:

21 credit hours, 12 of the hours must be in real estate classes

3 hours of the real classes must be a Brokerage Management Course

2 years experience averaging 20 hours per week in the real estate business

The above requirements may be reduced to one year if a Bachelor's degree has a major or minor in Real Estate; or the person has an Associate's degree in Real Estate

Applicants must pass the state exam with a minimum score of 75%

All applicants for licensure must state if they have ever had a license revoked or suspended

License applications are provide by the KREC and is given to the applicant at the testing center when he/she passes the state exam.

Applicants must apply for licensure within **60 days** of passing the state exam.

A criminal background check should be requested **before** sitting for the state exam.

If the criminal background check reveals a felony or a misdemeanor conviction within the previous 5 years, the applicant must submit the background check to the Commission within **5 days** of the receipt of it.

The Commission will investigate, order the applicant to appear before the Commission for a hearing; or after the investigation the Commission may determine that a hearing is not necessary and let the person apply for the license.

If the criminal background check **does not** reveal a felony conviction or a misdemeanor conviction within the previous 5 years, the background check submitted to the Commission **at the time of application.**

5. Other License Information

The KREC will determine the size and form of the license and issue it to the principal broker.

The license renewal date will be determined by the KREC. (In the past, this date has been March 31. This may or may be changed on the exam. So, if four dates are given in the answers of a test question that should be one of them.)

The passing of an exam is not required to renew a license.

A person must be in good standing with the KREC and a new licensee will be issued upon payment of the annual renewal fees which is done online.