



Board of Auctioneers

Records Retention Schedule

Prepared by the State Records Branch
Public Records Division

Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Board of Auctioneers. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Board of Auctioneers personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Board of Auctioneers to destroy the records listed, after the appropriate retention periods have passed.

Board of Auctioneers personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for the Board of Auctioneers.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by the Board of Auctioneers, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

Board of Auctioneers

The purpose of licensure boards is to license and regulate the statutorily designated occupations and professions, in order to protect the public health, safety and welfare. To accomplish this, boards have two primary areas of responsibility: licensure and enforcement. The licensure function deals with entry into the profession. In broad terms, the boards determine an individual's initial fitness and competency to practice an occupation or profession. Boards process applications for licensure, check qualifications against statutory requirements, administer licensing examinations and issue and renew licenses. The enforcement function involves tasks designed to assure that licensees continue to practice competently after initial licensure. Specifically, boards administer continuing education requirements, process complaints against licensed practitioners, conduct investigations, hold hearings and take disciplinary actions against incompetent or fraudulent practitioners. Disciplinary sanctions range from reprimands to license revocations. In performing certain enforcement functions, board members function in a quasi-judicial capacity.

As an agency of the Commonwealth of Kentucky, the primary purpose of the Kentucky Board of Auctioneers is to protect the public. This is accomplished through examination, licensure, and regulation of auctioneers, apprentice auctioneers, limited livestock auctioneers, limited tobacco auctioneers, and auction house operators. This board is a self-supporting agency, funded by fees paid by Kentucky-licensed auctioneers and auction house operators. The KY Board of Auctioneers does not receive any general fund tax monies.

RECORDS RETENTION SCHEDULE

Signature Page

Board of Auctioneers
Agency

December 10, 2009
Schedule Date

Unit

Change Date

December 10, 2009
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Marilyn Kennedy
Agency Head

12/17/09
Date of Approval

Marilyn Kennedy
Agency Records Officer

12/17/09
Date of Approval

Barbara Teege
State Archivist and Records Administrator
Director, Public Records Division

12/10/09
Date of Approval

Wayne Orkst
Chairman, State Archives and Records Commission

12/10/09
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

[Signature]
Records Analyst/Regional Administrator

12-10-09
Date of Approval

[Signature]
Appraisal Archivist

12/10/09
Date of Approval

[Signature]
State/Local Records Branch Manager

12/10/09
Date of Approval

The determination as set forth meets with my approval.

Liffany D. Welch
Auditor of Public Accounts

12/10/09
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Auctioneers, Board of

Record Group
Number
0220

Series	Records Title and Description	Function and Use
01972	License Application File	This series documents the licensing of individuals to conduct auctioneer services in Kentucky, as required in KRS 330. The types of licenses issued are: principal auctioneer, apprentice auctioneer, auction house operator, limited livestock, reciprocal auctioneer, and reciprocal apprentice auctioneer. With the exception of reciprocal applicants, who are licensed after completing a reciprocal application, all others must take and pass an examination to be issued a license. An apprentice must have two years of experience with a principal auctioneer before being licensed. The license is issued when a principal examination application is successfully completed. Annual renewal of licenses occurs each June, with licenses effective July 1st of each year. The continuing education requirement is up to ten hours per years. A licensee who has not met continuing education requirements through the license year may, within the time period through December 31, remit a fee established by administrative regulation promulgated by the board with the applicable renewal fees, and the continuing education reporting requirement shall be deferred to the next annual renewal. If the licensee fails to meet the continuing education requirement for the next annual renewal or has not submitted the proper renewal information, the license is canceled. If a licensee submits the renewal form and appropriate reinstatement fees through December 31st and has completed continuing education requirements through June 30th, a license will be issued. If not, the licensee is required to take another examination for licensure.
	Access Restrictions	KRS 61.878 (1)(a) Personal Information
	Contents	Series contains: Examination application (with score sheet); reciprocal application; renewal forms; address and/or affiliation changes; correspondence verifying licensure and status sent to other jurisdictions; complaint information (if applicable); copies of final orders, if disciplinary action is taken; appeal information
	Retention and Disposition	Retain for five (5) years after cancellation. Destroy after audit.
05342	Examination Candidate File - Not Licensed	This series documents those applicants who failed to pass the examination to become a licensed principal auctioneer, apprentice, auction house operator or limited livestock auctioneer. In order to be licensed, the individual would have to retest and met all other requirements as specified in KRS 330.
	Access Restrictions	KRS 61.878 (1)(a) Personal Information
	Contents	Series contains: Examination application, score sheet, and related correspondence
	Retention and Disposition	Retain for three (3) years. Destroy after audit.
05343	Master Examination File (V)	This series documents the creation of examinations for licenses, as required in KRS 330.060. The examinations are administered at least four times per year. The series includes three to four versions of the examinations for principal auctioneer, apprentice auctioneer, auction house operator and limited livestock auctioneer. The computer application is comprised of 500 individual questions, approved by the Board. The program was developed in-house. When a test is to be administered, the program randomly selects 120 questions from the 500. Each year, the test(s) used the previous year are destroyed. In addition, the vocal part of the examination was replaced with a multiple choice questionnaire, in a paper format.
	Access Restrictions	KRS 61.878(1)(a)(g) Personal Information/Test Information
	Contents	Series contains: Master examination questions and answers
	Retention and Disposition	Retain master file updating as needed. Destroy the previous year's examinations after one (1) year.

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Series	Records Title and Description	Function and Use
05344	Reciprocal Agreement File - (Legal agreement between states to license auctioneers by reciprocity)	This series documents the agreements entered in to by the Board and another state or country that allow a non-resident to be granted a license without having to take an examination (KRS 3300.095). The qualifications prescribed in the non-resident's state must be equal to those specified in KRS Chapter 330. Correspondence is initiated between the affected states and if all qualifications are satisfactory, a reciprocal agreement is drawn up and finalized.
	Access Restrictions	None
	Contents	Series contains: Correspondence, licensing qualifications, signed reciprocal agreement
	Retention and Disposition	Destroy when no longer needed and audit.