



Kentucky Real Estate Authority

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division
Approved by the State Libraries, Archives, and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Kentucky Real Estate Authority. **Government records in Kentucky can only be disposed of with the approval of the State Libraries, 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 Kentucky Real Estate Authority personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Kentucky Real Estate Authority to destroy the records listed, after the appropriate retention periods have passed.

Kentucky Real Estate Authority 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 Kentucky Real Estate Authority.

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 Kentucky Real Estate Authority, 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.

**Public Protection Cabinet
Kentucky Real Estate Authority**

The Kentucky Real Estate Authority was established pursuant to Executive Order 2016-859 and effective December 1, 2016. It is led by an Executive Director and consists of four real property boards. The Kentucky Real Estate Authority serves as an administrative regulation clearinghouse for the real estate boards, while also serving as a uniform forum for real estate professionals to discuss regulatory innovations across related professions.

The Kentucky Real Estate Authority comprises the Real Estate Commission, the Real Estate Appraisers Board, the Board of Auctioneers, and the Board of Home Inspectors.

RECORDS RETENTION SCHEDULE

Signature Page

Kentucky Real Estate Authority

June 13, 2019

Agency

Schedule Date

Unit


Change Date

June 13, 2019

Date Approved By Commission

APPROVALS

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


Agency Head

5-28-19
Date of Approval


Agency Records Officer

5/28/19
Date of Approval


State Archivist and Records Administrator
Director, Archives and Records Management Division

6/14/19
Date of Approval


Chairman, State Libraries, Archives, and
Records Commission

JUN 13 2019
Date of Approval

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


Records Analyst/Regional Administrator

6-13-19
Date of Approval


Appraisal Archivist

6/13/19
Date of Approval


State/Local Records Branch Manager

6-13-19
Date of Approval

The determination as set forth meets with my approval.


Auditor of Public Accounts

4/13/19
Date of Approval

Archives and Records Management Division
Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection Cabinet
Kentucky Real Estate Authority
Appraisers, Board of

**Record Group
Number
2522**

Series	Records Title and Description	Function and Use
06417	<p>Application File - Incomplete</p> <p>Access Restrictions</p> <p>Contents</p> <p>Retention and Disposition</p>	<p>This series documents incomplete applications submitted to the Real Estate Appraisers Board for certification and/or issuance of license as a certified general real property appraiser, certified residential real property appraiser, licensed real property appraiser or associate real property appraiser as defined by KRS Chapter 324A.</p> <p>KRS 61.878 (1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters.</p> <p>Series may contain: application form with name, address, date of birth, social security number of applicant; correspondence; and since the application is incomplete for various reasons, it may or may not include the following: education documents; transcripts; transfer documents from another state.</p> <p>Retain in Agency and destroy one (1) year after receipt.</p>
06418	<p>Certification/License File (V)</p> <p>Access Restrictions</p> <p>Contents</p> <p>Retention and Disposition</p>	<p>This series documents the application and issuance of a license and/or certification to applicants to perform the duties of an appraiser pursuant to KRS Chapter 324A and the regulations promulgated thereto. An appraiser is an individual licensed or certified by the Real Estate Appraisers Board who, for a fee or other consideration, develops and communicates a real estate appraisal or provides an opinion of the value or any interest in real estate in conformity with the minimum Uniform Standards of Professional Appraisal Practice. Licenses are renewed annually and if six (6) months or more elapse after the renewal date, the former certificate or license holder shall be required to meet all requirements as if applying for initial certification or licensure.</p> <p>KRS 61.878 (1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters.</p> <p>Series may contain: license application; date of birth; social security number; home address and phone number; examination results; education history; employment history; background check; address changes; renewal documentation; record of payment for fees; correspondence; inactive applications per the written request to the Board by applicant; and if applicable, complaints and disciplinary actions.</p> <p>Retain in Agency three (3) years after date of expiration or termination of license, then destroy.</p>
06419	<p>Temporary Appraisal Licenses and Certificates</p> <p>Access Restrictions</p> <p>Contents</p> <p>Retention and Disposition</p>	<p>This series documents temporary licenses and certificates issued by the Real Estate Appraisers Board to a real estate appraiser from another state who is licensed or certified in that state per the requirements of KRS 324A and 201 KAR 30:120. Temporary licenses and certificates are issued due to federally-related transactions and for one (1) specific assignment detail.</p> <p>KRS 61.878 (1)(a) - personal information; 201 KAR 30:120 Section 1(5) - confidentiality of assignment if divulging information creates a breach per Uniform Standards of Professional Appraisal Practice (12 U.S.C. 3331-3351). Agencies should consult legal counsel regarding open records matters.</p> <p>Series may contain: application for temporary license or certification; applicant's name, address, social security number and information necessary to identify the applicant; correspondence under seal issued by appraiser's licensing or certifying agency in the applicant's resident state; type and number of license or certificate; dates of certification and expiration of license or certificate; how license or certificate issued (result of passing examination, or reciprocity, or other means); complete record of disciplinary actions or pending proceedings against the applicant; agreement re Commonwealth rules and regulations; identification the appraisal assignment to be performed, as well as beginning and ending dates for performing assignment; fee documentation; and correspondence.</p> <p>Retain in Agency three (3) years after date of expiration or termination of license, then destroy.</p>

Archives and Records Management Division
Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection Cabinet
Kentucky Real Estate Authority
Appraisers, Board of

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Number
2522**

Series	Records Title and Description	Function and Use
06420	Appraisal Management Company File	This series documents the operations and actions of an appraisal management company per the requirements of 324A.150, 201 KAR 30:310-375, which require that it register with the Real Estate Appraisers Board. An appraisal management company is a registrant or person who performs the actions necessary to administer a network of state-licensed appraisers to fulfill requests for appraisal management services on behalf of a client, including but not limited to recruiting appraisers; contracting with appraisers to perform appraisal services; collecting and negotiating fees; and receiving, submitting, reviewing and/or verifying appraisal reports. The Board may inspect records, without prior notice, periodically, or if the Board determines that the records are pertinent to an investigation of a complaint against registrant.
	Access Restrictions	KRS 61.878 (1)(a) - personal information; KRS 61.878 (1)(h) during investigation. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name and address of registrant and/or organization; list of real estate appraisers; correspondence; surety bond documentation; and if applicable as a result of request of Board: billing statements, fees collected; copies of documentation filed with Secretary of State; third party billing documentation; and if applicable, complaints, investigations and recommendations.
	Retention and Disposition	Retain in Agency three (3) years after date company is inactive, then destroy.
06421	Grievance/Disciplinary Action File	This series documents investigations and findings of real estate appraisers and appraisal management companies as a result of a written complaint by persons or organization, including the Real Estate Appraisers Board upon its own volition, regarding alleged violation(s) of KRS 324A and the regulations promulgated thereto. In the event the investigation reveals the alleged violation did occur, any disciplinary action(s), including but not limited to fines, reprimands, suspension, revocation, refusal to renew, or any combination, or legal proceedings, are also incorporated in Series 06418, Certification/License File.
	Access Restrictions	KRS 61.878 (1)(a) - personal information; KRS 61.878 (1)(h) during ongoing investigation period. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: written documentation of complaint or grievance against real estate appraiser or appraisal management company; date alleged violation occurred; complainant name, address, phone number; name of real estate appraiser or appraisal management company and address; name of investigator; date of investigation; findings; correspondence; and if applicable, legal documentation.
	Retention and Disposition	Retain in Agency permanently.
06422	Disciplinary Action Log	This series documents the electronic log of any disciplinary actions regarding real estate appraisers and appraisal management companies pursuant to KRS 324A.052.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name of real estate appraiser or real estate appraisal company, date of investigation and disciplinary action invoked.
	Retention and Disposition	Retain in Agency permanently. Update as needed.
06423	Complaint File/ Non-Disciplinary Action	This series documents unsubstantiated grievances or investigations of real estate appraisers and appraisal management companies alleging violations of KRS 324A and the regulations promulgated thereto that do not result in any disciplinary action or the investigation reveals that the alleged violation did not occur.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: written documentation of grievance; name and address of complainant; if applicable, investigation findings and recommendations; and correspondence.
	Retention and Disposition	Retain in Agency three (3) years after date of conclusion and recommendation of findings, then destroy.

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Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection Cabinet
Kentucky Real Estate Authority
Appraisers, Board of

**Record Group
Number
2522**

Series	Records Title and Description	Function and Use
06425	Education Provider Files	This series documents the process of approval by the Real Estate Appraisers Board for instructors and institutions to provide services for the required education and continued education to appraisers pursuant to KRS 324A and the regulations promulgated thereto. Providers must submit applications for approvals each year and are renewed annually. This series also documents the evaluation forms completed by students enrolled in each course and submitted to the Real Estate Appraisers Board for review for course approval percentage rating and instructor per 201 KAR 30:170.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application including Instructor name, address, phone number; copy of current resume or curriculum vitae; copy of baccalaureate degree or higher; employment history; course outline; correspondence; Real Estate Appraisers Board approval; student evaluation forms; and if applicable, withdrawal of approval by the Board.
	Retention and Disposition	Retain in Agency three (3) years after approval by Board, then destroy.
06426	Appraisal Management Company Applicants Register Listing (V)	This series represents the register of all applicants for registration as an Appraisal Management Company as required by KRS 324A.160
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name of applicant; date of the application; applicant's business address and current status of the registration.
	Retention and Disposition	Retain in Agency permanently. Update as needed.
06485	Criminal Background Checks	This series documents criminal background checks for applicants for licensure or certification as a real estate appraiser per KRS 324A.100 and/or applicants for license or certification as an appraisal management company per KRS 324A.152. The Real Estate Appraisers Board requires a national and state criminal background check for each initial application and shall provide information and fingerprints to the Department of Kentucky State Police for submission to the Federal Bureau of Investigation. The initial criminal background is no longer valid after issuance of license or certification; however, future criminal background checks may be required by the Board at some point, if applicable.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name, address, phone number, date of birth, social security number, fingerprints, and findings as a result of the background check.
	Retention and Disposition	Retain in Agency thirty (30) days after issuance or denial of license or certification, then destroy.

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STATE AGENCY RECORDS
RETENTION SCHEDULE

Public Protection Cabinet
Kentucky Real Estate Authority
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 year. 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	Agencies should consult legal counsel regarding open records matters. KRS 61.878 (1)(a) Personal information. Agencies should consult legal counsel regarding open records matters.
	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. Agencies should consult legal counsel regarding open records matters.
	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 contains 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. Agencies should consult legal counsel regarding open records matters.
	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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 Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
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Public Protection Cabinet
 Kentucky Real Estate Authority
 Auctioneers, Board of

**Record Group
 Number
 0220**

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	Agencies should consult legal counsel regarding open records matters.
	Contents	Series contains: correspondence, licensing qualifications, signed reciprocal agreement.
	Retention and Disposition	Destroy when no longer needed and audit.

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Public Protection Cabinet
Kentucky Real Estate Authority
Home Inspectors, Board of

**Record Group
Number
1386**

Series	Records Title and Description	Function and Use
06299	License Folder - Home Inspectors	This series documents activities related to issuing and regulating licenses for home inspectors pursuant to KRS 198B.712. As defined by KRS 198B.700, Home inspection means a visual analysis performed for compensation for the purpose of providing a professional opinion and home inspection report by a licensed home inspector, regarding the condition of a residential dwelling and the dwelling's attached garages and carports, any reasonable accessible installed components and the operation of the dwelling's systems, including any controls normally operated by the owner of the dwelling.
	Access Restrictions	KRS 61.878(1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters..
	Contents	Series may contain: original application, photographs, test scores, college transcript and/or copies of diplomas, letters of verifications from other states, resumes, letters of good standing and related documentation.
	Retention and Disposition	Retain for fifty (50) years from the date of license termination, then destroy.
06300	Renewal Folder	This series documents license renewals for home inspectors pursuant to KRS 198B.722.
	Access Restrictions	KRS 61.878(1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters..
	Contents	Series may contain: renewal application, continuing education verification and related documentation.
	Retention and Disposition	Retain for three (3) years, then destroy.
06301	Incomplete, Denied and Withdrawn Applications Folder	This series documents incomplete, denied and/or withdrawn applications for licensure.
	Access Restrictions	KRS 61.878(1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters..
	Contents	Series may contain: original application, photographs, test scores, college transcript and/or copies of diplomas, letters of verifications from other states, resumes, renewal notices, letters of good standing and related documentation.
	Retention and Disposition	Retain denial letters fifty (50) years, destroy remaining material after two (2) years.
06302	Complaints Folder	This series documents complaints against licensees and any subsequent investigations and actions taken by the board pursuant to KRS 198B.700-738.
	Access Restrictions	KRS 61.878 (1)(a)(h) Personal information / Investigations. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: complaint forms, responses, investigative reports, correspondence, legal actions, disciplinary actions, hearing notices, hearing transcripts, exhibits and related documentation.
	Retention and Disposition	Retain for fifty (50) years from the date of complaint closure and/or final action by board, then destroy.

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RETENTION SCHEDULE**

Public Protection Cabinet
Kentucky Real Estate Authority
Home Inspectors, Board of

**Record Group
Number
1386**

Series	Records Title and Description	Function and Use
06303	<p>Continuing Education Provider Application Folder</p> <p>Access Restrictions</p> <p>Contents</p> <p>Retention and Disposition</p>	<p>This series documents pre-approval by the board for providers of continuing education training. These approved classes/workshops are taken by licensees to fulfill continuing education requirements.</p> <p>Agencies should consult legal counsel regarding open records matters.</p> <p>Series may contain: application, agenda, sign-in sheet, curriculum vitae, course outline, certificates and related documentation.</p> <p>Retain for six (6) years from the date of approval, then destroy. Supplemental materials submitted in support of an approved application, such as brochures, course catalogs and school publications, can be purged one (1) year from the date of approval.</p>
06304	<p>Programs of Instruction Approval Folder</p> <p>Access Restrictions</p> <p>Contents</p> <p>Retention and Disposition</p>	<p>This series documents the approval process for an individual, institution or business entity interested in offering a program of instruction in home inspection pursuant to KRS 198B.724.</p> <p>Agencies should consult legal counsel regarding open records matters.</p> <p>Series may contain: application form, proof of approval by the Kentucky Board of Proprietary Education, curriculum statements, listing of instructional staff and related documentation.</p> <p>Retain for fifty (50) years from the date of approval, then destroy.</p>

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Public Protection Cabinet
Kentucky Real Estate Authority
Real Estate Commission

**Record Group
Number
2520**

Records Title Series and Description	Function and Use
02154 License File	This series documents the application for and issuance of a license to act as a real estate broker or sales associate, as required in KRS 324.046. Real estate, in addition to its ordinary meaning, includes timeshares, options, leaseholds and other interests less than leaseholds (KRS 324.010 (5)). The series provides a complete history of the licensee from initial licensure to termination of the license. Termination may be by cancellation, suspension, revocation, or death of the licensee. Any license not renewed at the end of the renewal year automatically reverts to expired status. An expired license may be reactivated before a lapse of one (1) year, if delinquent fees are paid by the licensee.
Access Restrictions	Agencies should consult legal counsel regarding open records matters.
Contents	Series may contain: license application, attachments, and license(s); education documents and transcripts; errors and omissions insurance policies; name or address changes; transfer documents from one real estate firm to another; notification of new real estate firm or branch; renewal forms; record of payment of fees; correspondence; social security number; date of birth; home address.
Retention and Disposition	Retain until fifteen (15) years after license is terminated, then destroy.
02156 Hearing Transcripts (Post-June 1983)	This series documents the transcripts of hearings for the following reasons: 1. Appeal of a denial of an applicant's license; 2. Suspension or revocation of license; 3. Disciplinary action taken by Real Estate Commission; and/or 4. Grievance against Real Estate Commission or agent filed by consumer. Hearings are only transcribed if a decision of the Real Estate Commission is appealed to a higher court.
Access Restrictions	Agencies should consult legal counsel regarding open records matters.
Contents	Series may contain: name(s) of parties involved, legal documentation and correspondence, date and time of Real Estate Commission hearing, Real Estate Commission decision.
Retention and Disposition	Retain in Agency and transfer to License File, series 02154, after case closure, all appeals have been exhausted and no disciplinary action is required. If an Order is issued requiring disciplinary action, the transcript will transferred to series 06446, Disciplinary Case File.
02159 Examination Pass List	This series documents a list of applicants who passed the real estate agent examination per KRS 324.045 (2), (3), and (4). The list is compiled by the company who provides testing and contracted by the Real Estate Commission.
Access Restrictions	Agencies should consult legal counsel regarding open records matters.
Contents	Series may contain: name, address, social security number, date of birth of applicant; date and time of testing.
Retention and Disposition	Retain until ninety (90) days from date of examination, then destroy.
03050 Hearing Transcripts - Pre-1983	CLOSED SERIES: This series documents the transcripts of hearings regarding a denial for an application for license or grievance filed against a real estate agent, broker or the Real Estate Commission. These records serve as a research tool for future actions.
Access Restrictions	Agencies should consult legal counsel regarding open records matters.
Contents	Series may contain: names of parties involved, grievance or complaint, date of action, final order of the Commission.
Retention and Disposition	Retain permanently.

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Series	Records Title and Description	Function and Use
03051	Recording of Hearing	This series documents the recordings of administrative hearings regarding the Real Estate Commission and pursuant to the provisions established in KRS Chapter 324. Series 02156, Transcripts, may be required for some hearings and a copy of the transcript will be placed in series 02154, License File, and/or series 06446, Disciplinary Case File.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name and address of complainant/defendant, allegation, testimony, final order of Real Estate Commission, correspondence.
	Retention and Disposition	Destroy recording one (1) year from date of hearing if no further action is taken. In event legal action is pursued, the recording/transcript is transferred to series 06446, Disciplinary Case File, and/or series 02154, License File.
03282	Errors and Omissions Insurance List	CLOSED: This series is no longer created but has not met retention yet.
		This series documents proof of coverage and the effective date of coverage of errors and omissions group insurance provided through the Commission's insurance program and a list is produced monthly. As required in KRS 324.395, all real estate licensees, except those whose licenses are in escrow, must carry errors and omissions insurance. Errors and omissions insurance does not relate to gross negligence or intentional misrepresentation, but where a misunderstanding, error or oversight has occurred. The Commission makes the insurance available to all licensees by contracting with an insurance provider for a group policy. Licensees have the option of obtaining the insurance independently, providing the coverage contained in the policy and the financial condition of the company complies with the minimum requirements established by the Commission. The series is used to verify coverage both by the Commission and the insurance agency, in the event a claim is filed.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: licensee file number, name, address; effective date of coverage; license type; taxing authority; premium; tax; total payment.
	Retention and Disposition	Retain five (5) years and audit, then destroy.
04713	Education Provider Files	This series documents the process of approval and compliance for real estate education providers in accordance with KRS 324 and 201 KAR 11:175. Pre-licensing courses must be approved every even-numbered year. Post-license and continuing education courses must be approved every calendar year. Materials and applications must be updated and recertified before being offered to licensees. Once a class is offered, education providers have to report the information to the Kentucky Real Estate Commission, pursuant to 201 KAR 11:235 and 201 KAR 11:230. Providers are required to submit rosters of students attending approved post-license and continuing education courses within ten (10) days of the class. Credit is posted to the licensee's electronic education record.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application for approval, outline of course, course materials, educational background of instructor, notice of approval, schedule of when the courses are offered, course evaluations, list of licensees attending course, other documentation as required.
	Retention and Disposition	Retain until five (5) years after approval, then destroy.

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Public Protection Cabinet
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**Record Group
Number
2520**

Series	Records Title and Description	Function and Use
05001	Applicant Criminal Background Checks	This series documents the criminal background check and related supplemental information an applicant must provide with their application per KRS 324.045(5). The Commission uses the criminal record check as a proxy for discharging its statutory obligation to issue licenses only to persons who are trustworthy and competent to transact the business of a broker or sales associate.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: background check issued by FBI or Kentucky State Police, related supplemental material.
	Retention and Disposition	Retain until six (6) months from report date, then destroy.
05925	Cease and Desist Orders	CLOSED: Agency personnel state this series is no longer created as agency has not issued Orders for Cease and Desist since 2010. This series documents Orders to Cease and Desist issued by the Executive Director if there is reason to believe that a violation of KRS 324 or the regulations promulgated thereto has occurred and after a Order to Show Cause as to has been issued. The defendant has ten (10) days to respond to the Order to Show Cause as to why a Cease and Desist Order should not be entered. An Order to Cease and Desist is effective when signed by the Executive Director and shall be delivered by certified mail to the last known address of the person or licensee. An Order to Cease and Desist remains effective and enforceable pending an administrative proceeding.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: order to show cause, correspondence, certified mail certificate, name and address of defendant, allegation/complaint violation.
	Retention and Disposition	Retain in Agency ten (10) years from date of issuance, then destroy.
06446	Disciplinary Case File	This series documents investigations and findings of real estate licensees and brokerage companies as a result of a written complaint by persons or organization, including the Real Estate Commission upon its own volition, regarding alleged violation(s) of KRS Chapter 324 and the regulations promulgated thereto.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: written documentation of complaint; date alleged violation occurred; complainant name, address, phone number; name of real estate licensee and/or brokerage company and address; name of investigator; date of investigation; findings; correspondence; Administrative Orders; legal documentation.
	Retention and Disposition	If the investigation does not find a violation, retain until ten (10) years after case closure, then destroy. If the investigation finds a violation, transfer to series 02154, License File.
06447	Unlicensed Brokerage Files	This series documents actions taken by the Real Estate Commission on persons engaging in real estate brokerage without a license, including failure to renew a previously valid Kentucky license and did not avail himself of the remedial provisions of KRS 324.090(3). Persons engaging in real estate brokerage without a license shall be guilty of a Class A misdemeanor for a first offense and a Class D felony for any subsequent offenses; each transaction is regarded as a separate offense per KRS 324.990.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name of person, address, phone number, social security number; investigative documentation; court of jurisdiction; correspondence.
	Retention and Disposition	Retain fifteen (15) years, then destroy.

Archives and Records Management Division
 Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
 RETENTION SCHEDULE**

Public Protection Cabinet
 Kentucky Real Estate Authority
 Real Estate Commission

**Record Group
 Number
 2520**

Series	Records Title and Description	Function and Use
06448	Property Promotional Activities Outside Kentucky File	This series documents Kentucky real estate licensees engaging in promotional activities for property located outside of the Commonwealth and approved by the Real Estate Commission pursuant to KRS 324.142.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name and licensee number of licensee, application and documentation re the promotional activities and location of property, correspondence.
	Retention and Disposition	Retain until two (2) years from initial registration or subsequent amendment, then destroy.

This records retention schedule governs retention and disposal of records created, used and maintained by the Kentucky Real Estate Authority. **Government records in Kentucky can only be disposed of with the approval of the State Libraries, 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 Kentucky Real Estate Authority personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Kentucky Real Estate Authority to destroy the records listed, after the appropriate retention periods have passed.

Kentucky Real Estate Authority 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 Kentucky Real Estate Authority.

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 Kentucky Real Estate Authority, 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.

RECORDS RETENTION SCHEDULE

Signature Page

Kentucky Real Estate Authority

June 13, 2019

Agency

Schedule Date

Unit

Change Date

June 13, 2019

Date Approved By Commission

APPROVALS

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

[Signature]

Agency Head

5-28-19

Date of Approval

[Signature]

Agency Records Officer

5/28/19

Date of Approval

[Signature]
State Archivist and Records Administrator
Director, Archives and Records Management Division

6/14/19

Date of Approval

[Signature]
Chairman, State Libraries, Archives, and
Records Commission

JUN 13 2019

Date of Approval

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

[Signature]
Records Analyst/Regional Administrator

6-13-19
Date of Approval

[Signature]
Appraisal Archivist

6/13/19
Date of Approval

[Signature]
State/Local Records Branch Manager

6-13-19
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

4/13/19
Date of Approval

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection Cabinet
Kentucky Real Estate Authority
Appraisers, Board of

**Record Group
Number
2522**

Series	Records Title and Description	Function and Use
06417	Application File - Incomplete	This series documents incomplete applications submitted to the Real Estate Appraisers Board for certification and/or issuance of license as a certified general real property appraiser, certified residential real property appraiser, licensed real property appraiser or associate real property appraiser as defined by KRS Chapter 324A.
	Access Restrictions	KRS 61.878 (1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application form with name, address, date of birth, social security number of applicant; correspondence; and since the application is incomplete for various reasons, it may or may not include the following: education documents; transcripts; transfer documents from another state.
	Retention and Disposition	Retain in Agency and destroy one (1) year after receipt.
06418	Certification/License File (V)	This series documents the application and issuance of a license and/or certification to applicants to perform the duties of an appraiser pursuant to KRS Chapter 324A and the regulations promulgated thereto. An appraiser is an individual licensed or certified by the Real Estate Appraisers Board who, for a fee or other consideration, develops and communicates a real estate appraisal or provides an opinion of the value or any interest in real estate in conformity with the minimum Uniform Standards of Professional Appraisal Practice. Licenses are renewed annually and if six (6) months or more elapse after the renewal date, the former certificate or license holder shall be required to meet all requirements as if applying for initial certification or licensure.
	Access Restrictions	KRS 61.878 (1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: license application; date of birth; social security number; home address and phone number; examination results; education history; employment history; background check; address changes; renewal documentation; record of payment for fees; correspondence; inactive applications per the written request to the Board by applicant; and if applicable, complaints and disciplinary actions.
	Retention and Disposition	Retain in Agency three (3) years after date of expiration or termination of license, then destroy.
06419	Temporary Appraisal Licenses and Certificates	This series documents temporary licenses and certificates issued by the Real Estate Appraisers Board to a real estate appraiser from another state who is licensed or certified in that state per the requirements of KRS 324A and 201 KAR 30:120. Temporary licenses and certificates are issued due to federally-related transactions and for one (1) specific assignment detail.
	Access Restrictions	KRS 61.878 (1)(a) - personal information; 201 KAR 30:120 Section 1(5) - confidentiality of assignment if divulging information creates a breach per Uniform Standards of Professional Appraisal Practice (12 U.S.C. 3331-3351). Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application for temporary license or certification; applicant's name, address, social security number and information necessary to identify the applicant; correspondence under seal issued by appraiser's licensing or certifying agency in the applicant's resident state; type and number of license or certificate; dates of certification and expiration of license or certificate; how license or certificate issued (result of passing examination, or reciprocity, or other means); complete record of disciplinary actions or pending proceedings against the applicant; agreement re Commonwealth rules and regulations; identification the appraisal assignment to be performed, as well as beginning and ending dates for performing assignment; fee documentation; and correspondence.
	Retention and Disposition	Retain in Agency three (3) years after date of expiration or termination of license, then destroy.

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Kentucky Real Estate Authority
Appraisers, Board of

**Record Group
Number
2522**

Series	Records Title and Description	Function and Use
06420	Appraisal Management Company File	This series documents the operations and actions of an appraisal management company per the requirements of 324A.150, 201 KAR 30:310-375, which require that it register with the Real Estate Appraisers Board. An appraisal management company is a registrant or person who performs the actions necessary to administer a network of state-licensed appraisers to fulfill requests for appraisal management services on behalf of a client, including but not limited to recruiting appraisers; contracting with appraisers to perform appraisal services; collecting and negotiating fees; and receiving, submitting, reviewing and/or verifying appraisal reports. The Board may inspect records, without prior notice, periodically, or if the Board determines that the records are pertinent to an investigation of a complaint against registrant.
	Access Restrictions	KRS 61.878 (1)(a) - personal information; KRS 61.878 (1)(h) during investigation. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name and address of registrant and/or organization; list of real estate appraisers; correspondence; surety bond documentation; and if applicable as a result of request of Board: billing statements, fees collected; copies of documentation filed with Secretary of State; third party billing documentation; and if applicable, complaints, investigations and recommendations.
	Retention and Disposition	Retain in Agency three (3) years after date company is inactive, then destroy.
06421	Grievance/Disciplinary Action File	This series documents investigations and findings of real estate appraisers and appraisal management companies as a result of a written complaint by persons or organization, including the Real Estate Appraisers Board upon its own volition, regarding alleged violation(s) of KRS 324A and the regulations promulgated thereto. In the event the investigation reveals the alleged violation did occur, any disciplinary action(s), including but not limited to fines, reprimands, suspension, revocation, refusal to renew, or any combination, or legal proceedings, are also incorporated in Series 06418, Certification/License File.
	Access Restrictions	KRS 61.878 (1)(a) - personal information; KRS 61.878 (1)(h) during ongoing investigation period. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: written documentation of complaint or grievance against real estate appraiser or appraisal management company; date alleged violation occurred; complainant name, address, phone number; name of real estate appraiser or appraisal management company and address; name of investigator; date of investigation; findings; correspondence; and if applicable, legal documentation.
	Retention and Disposition	Retain in Agency permanently.
06422	Disciplinary Action Log	This series documents the electronic log of any disciplinary actions regarding real estate appraisers and appraisal management companies pursuant to KRS 324A.052.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name of real estate appraiser or real estate appraisal company, date of investigation and disciplinary action invoked.
	Retention and Disposition	Retain in Agency permanently. Update as needed.
06423	Complaint File/ Non-Disciplinary Action	This series documents unsubstantiated grievances or investigations of real estate appraisers and appraisal management companies alleging violations of KRS 324A and the regulations promulgated thereto that do not result in any disciplinary action or the investigation reveals that the alleged violation did not occur.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: written documentation of grievance; name and address of complainant; if applicable, investigation findings and recommendations; and correspondence.
	Retention and Disposition	Retain in Agency three (3) years after date of conclusion and recommendation of findings, then destroy.

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Kentucky Real Estate Authority
Appraisers, Board of

Record Group
Number
2522

Series	Records Title and Description	Function and Use
06425	Education Provider Files	This series documents the process of approval by the Real Estate Appraisers Board for instructors and institutions to provide services for the required education and continued education to appraisers pursuant to KRS 324A and the regulations promulgated thereto. Providers must submit applications for approvals each year and are renewed annually. This series also documents the evaluation forms completed by students enrolled in each course and submitted to the Real Estate Appraisers Board for review for course approval percentage rating and instructor per 201 KAR 30:170.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application including Instructor name, address, phone number; copy of current resume or curriculum vitae; copy of baccalaureate degree or higher; employment history; course outline; correspondence; Real Estate Appraisers Board approval; student evaluation forms; and if applicable, withdrawal of approval by the Board.
	Retention and Disposition	Retain in Agency three (3) years after approval by Board, then destroy.
06426	Appraisal Management Company Applicants Register Listing (V)	This series represents the register of all applicants for registration as an Appraisal Management Company as required by KRS 324A.160
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name of applicant; date of the application; applicant's business address and current status of the registration.
	Retention and Disposition	Retain in Agency permanently. Update as needed.
06485	Criminal Background Checks	This series documents criminal background checks for applicants for licensure or certification as a real estate appraiser per KRS 324A.100 and/or applicants for license or certification as an appraisal management company per KRS 324A.152. The Real Estate Appraisers Board requires a national and state criminal background check for each initial application and shall provide information and fingerprints to the Department of Kentucky State Police for submission to the Federal Bureau of Investigation. The initial criminal background is no longer valid after issuance of license or certification; however, future criminal background checks may be required by the Board at some point, if applicable.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name, address, phone number, date of birth, social security number, fingerprints, and findings as a result of the background check.
	Retention and Disposition	Retain in Agency thirty (30) days after issuance or denial of license or certification, then destroy.

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Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection Cabinet
Kentucky Real Estate Authority
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 year. 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	Agencies should consult legal counsel regarding open records matters. KRS 61.878 (1)(a) Personal information. Agencies should consult legal counsel regarding open records matters.
	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. Agencies should consult legal counsel regarding open records matters.
	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 contains 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. Agencies should consult legal counsel regarding open records matters.
	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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Number
0220**

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	Agencies should consult legal counsel regarding open records matters.
	Contents	Series contains: correspondence, licensing qualifications, signed reciprocal agreement.
	Retention and Disposition	Destroy when no longer needed and audit.

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Kentucky Real Estate Authority
Home Inspectors, Board of

Record Group
Number
1386

Series	Records Title and Description	Function and Use
06299	License Folder - Home Inspectors	This series documents activities related to issuing and regulating licenses for home inspectors pursuant to KRS 198B.712. As defined by KRS 198B.700, Home inspection means a visual analysis performed for compensation for the purpose of providing a professional opinion and home inspection report by a licensed home inspector, regarding the condition of a residential dwelling and the dwelling's attached garages and carports, any reasonable accessible installed components and the operation of the dwelling's systems, including any controls normally operated by the owner of the dwelling.
	Access Restrictions	KRS 61.878(1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters..
	Contents	Series may contain: original application, photographs, test scores, college transcript and/or copies of diplomas, letters of verifications from other states, resumes, letters of good standing and related documentation.
	Retention and Disposition	Retain for fifty (50) years from the date of license termination, then destroy.
06300	Renewal Folder	This series documents license renewals for home inspectors pursuant to KRS 198B.722.
	Access Restrictions	KRS 61.878(1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters..
	Contents	Series may contain: renewal application, continuing education verification and related documentation.
	Retention and Disposition	Retain for three (3) years, then destroy.
06301	Incomplete, Denied and Withdrawn Applications Folder	This series documents incomplete, denied and/or withdrawn applications for licensure.
	Access Restrictions	KRS 61.878(1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters..
	Contents	Series may contain: original application, photographs, test scores, college transcript and/or copies of diplomas, letters of verifications from other states, resumes, renewal notices, letters of good standing and related documentation.
	Retention and Disposition	Retain denial letters fifty (50) years, destroy remaining material after two (2) years.
06302	Complaints Folder	This series documents complaints against licensees and any subsequent investigations and actions taken by the board pursuant to KRS 198B.700-738.
	Access Restrictions	KRS 61.878 (1)(a)(h) Personal information / Investigations. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: complaint forms, responses, investigative reports, correspondence, legal actions, disciplinary actions, hearing notices, hearing transcripts, exhibits and related documentation.
	Retention and Disposition	Retain for fifty (50) years from the date of complaint closure and/or final action by board, then destroy.

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Kentucky Real Estate Authority
Home Inspectors, Board of

**Record Group
Number
1386**

Series	Records Title and Description	Function and Use
06303	Continuing Education Provider Application Folder	This series documents pre-approval by the board for providers of continuing education training. These approved classes/workshops are taken by licensees to fulfill continuing education requirements.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application, agenda, sign-in sheet, curriculum vitae, course outline, certificates and related documentation.
	Retention and Disposition	Retain for six (6) years from the date of approval, then destroy. Supplemental materials submitted in support of an approved application, such as brochures, course catalogs and school publications, can be purged one (1) year from the date of approval.
06304	Programs of Instruction Approval Folder	This series documents the approval process for an individual, institution or business entity interested in offering a program of instruction in home inspection pursuant to KRS 198B.724.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application form, proof of approval by the Kentucky Board of Proprietary Education, curriculum statements, listing of instructional staff and related documentation.
	Retention and Disposition	Retain for fifty (50) years from the date of approval, then destroy.

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Real Estate Commission

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Series	Records Title and Description	Function and Use
02154	License File	This series documents the application for and issuance of a license to act as a real estate broker or sales associate, as required in KRS 324.046. Real estate, in addition to its ordinary meaning, includes timeshares, options, leaseholds and other interests less than leaseholds (KRS 324.010 (5)). The series provides a complete history of the licensee from initial licensure to termination of the license. Termination may be by cancellation, suspension, revocation, or death of the licensee. Any license not renewed at the end of the renewal year automatically reverts to expired status. An expired license may be reactivated before a lapse of one (1) year, if delinquent fees are paid by the licensee.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: license application, attachments, and license(s); education documents and transcripts; errors and omissions insurance policies; name or address changes; transfer documents from one real estate firm to another; notification of new real estate firm or branch; renewal forms; record of payment of fees; correspondence; social security number; date of birth; home address.
	Retention and Disposition	Retain until fifteen (15) years after license is terminated, then destroy.
02156	Hearing Transcripts (Post-June 1983)	This series documents the transcripts of hearings for the following reasons: 1. Appeal of a denial of an applicant's license; 2. Suspension or revocation of license; 3. Disciplinary action taken by Real Estate Commission; and/or 4. Grievance against Real Estate Commission or agent filed by consumer. Hearings are only transcribed if a decision of the Real Estate Commission is appealed to a higher court.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name(s) of parties involved, legal documentation and correspondence, date and time of Real Estate Commission hearing, Real Estate Commission decision.
	Retention and Disposition	Retain in Agency and transfer to License File, series 02154, after case closure, all appeals have been exhausted and no disciplinary action is required. If an Order is issued requiring disciplinary action, the transcript will transferred to series 06446, Disciplinary Case File.
02159	Examination Pass List	This series documents a list of applicants who passed the real estate agent examination per KRS 324.045 (2), (3), and (4). The list is compiled by the company who provides testing and contracted by the Real Estate Commission.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name, address, social security number, date of birth of applicant; date and time of testing.
	Retention and Disposition	Retain until ninety (90) days from date of examination, then destroy.
03050	Hearing Transcripts - Pre-1983	CLOSED SERIES: This series documents the transcripts of hearings regarding a denial for an application for license or grievance filed against a real estate agent, broker or the Real Estate Commission. These records serve as a research tool for future actions.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: names of parties involved, grievance or complaint, date of action, final order of the Commission.
	Retention and Disposition	Retain permanently.

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection Cabinet
Kentucky Real Estate Authority
Real Estate Commission

**Record Group
Number
2520**

Series	Records Title and Description	Function and Use
03051	Recording of Hearing	This series documents the recordings of administrative hearings regarding the Real Estate Commission and pursuant to the provisions established in KRS Chapter 324. Series 02156, Transcripts, may be required for some hearings and a copy of the transcript will be placed in series 02154, License File, and/or series 06446, Disciplinary Case File.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name and address of complainant/defendant, allegation, testimony, final order of Real Estate Commission, correspondence.
	Retention and Disposition	Destroy recording one (1) year from date of hearing if no further action is taken. In event legal action is pursued, the recording/transcript is transferred to series 06446, Disciplinary Case File, and/or series 02154, License File.
03282	Errors and Omissions Insurance List	CLOSED: This series is no longer created but has not met retention yet.
		This series documents proof of coverage and the effective date of coverage of errors and omissions group insurance provided through the Commission's insurance program and a list is produced monthly. As required in KRS 324.395, all real estate licensees, except those whose licenses are in escrow, must carry errors and omissions insurance. Errors and omissions insurance does not relate to gross negligence or intentional misrepresentation, but where a misunderstanding, error or oversight has occurred. The Commission makes the insurance available to all licensees by contracting with an insurance provider for a group policy. Licensees have the option of obtaining the insurance independently, providing the coverage contained in the policy and the financial condition of the company complies with the minimum requirements established by the Commission. The series is used to verify coverage both by the Commission and the insurance agency, in the event a claim is filed.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: licensee file number, name, address; effective date of coverage; license type; taxing authority; premium; tax; total payment.
	Retention and Disposition	Retain five (5) years and audit, then destroy.
04713	Education Provider Files	This series documents the process of approval and compliance for real estate education providers in accordance with KRS 324 and 201 KAR 11:175. Pre-licensing courses must be approved every even-numbered year. Post-license and continuing education courses must be approved every calendar year. Materials and applications must be updated and recertified before being offered to licensees. Once a class is offered, education providers have to report the information to the Kentucky Real Estate Commission, pursuant to 201 KAR 11:235 and 201 KAR 11:230. Providers are required to submit rosters of students attending approved post-license and continuing education courses within ten (10) days of the class. Credit is posted to the licensee's electronic education record.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: application for approval, outline of course, course materials, educational background of instructor, notice of approval, schedule of when the courses are offered, course evaluations, list of licensees attending course, other documentation as required.
	Retention and Disposition	Retain until five (5) years after approval, then destroy.

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05001	Applicant Criminal Background Checks	This series documents the criminal background check and related supplemental information an applicant must provide with their application per KRS 324.045(5). The Commission uses the criminal record check as a proxy for discharging its statutory obligation to issue licenses only to persons who are trustworthy and competent to transact the business of a broker or sales associate.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: background check issued by FBI or Kentucky State Police, related supplemental material.
	Retention and Disposition	Retain until six (6) months from report date, then destroy.
05925	Cease and Desist Orders	CLOSED: Agency personnel state this series is no longer created as agency has not issued Orders for Cease and Desist since 2010. This series documents Orders to Cease and Desist issued by the Executive Director if there is reason to believe that a violation of KRS 324 or the regulations promulgated thereto has occurred and after a Order to Show Cause as to has been issued. The defendant has ten (10) days to respond to the Order to Show Cause as to why a Cease and Desist Order should not be entered. An Order to Cease and Desist is effective when signed by the Executive Director and shall be delivered by certified mail to the last known address of the person or licensee. An Order to Cease and Desist remains effective and enforceable pending an administrative proceeding.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: order to show cause, correspondence, certified mail certificate, name and address of defendant, allegation/complaint violation.
	Retention and Disposition	Retain in Agency ten (10) years from date of issuance, then destroy.
06446	Disciplinary Case File	This series documents investigations and findings of real estate licensees and brokerage companies as a result of a written complaint by persons or organization, including the Real Estate Commission upon its own volition, regarding alleged violation(s) of KRS Chapter 324 and the regulations promulgated thereto.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: written documentation of complaint; date alleged violation occurred; complainant name, address, phone number; name of real estate licensee and/or brokerage company and address; name of investigator; date of investigation; findings; correspondence; Administrative Orders; legal documentation.
	Retention and Disposition	If the investigation does not find a violation, retain until ten (10) years after case closure, then destroy. If the investigation finds a violation, transfer to series 02154, License File.
06447	Unlicensed Brokerage Files	This series documents actions taken by the Real Estate Commission on persons engaging in real estate brokerage without a license, including failure to renew a previously valid Kentucky license and did not avail himself of the remedial provisions of KRS 324.090(3). Persons engaging in real estate brokerage without a license shall be guilty of a Class A misdemeanor for a first offense and a Class D felony for any subsequent offenses; each transaction is regarded as a separate offense per KRS 324.990.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name of person, address, phone number, social security number; investigative documentation; court of jurisdiction; correspondence.
	Retention and Disposition	Retain fifteen (15) years, then destroy.

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Series	Records Title and Description	Function and Use
06448	Property Promotional Activities Outside Kentucky File	This series documents Kentucky real estate licensees engaging in promotional activities for property located outside of the Commonwealth and approved by the Real Estate Commission pursuant to KRS 324.142.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: name and licensee number of licensee, application and documentation re the promotional activities and location of property, correspondence.
	Retention and Disposition	Retain until two (2) years from initial registration or subsequent amendment, then destroy.