

Announcements:

The next Commission meeting is scheduled for **12:30pm** on October 10th in Topeka. This meeting is held the day before the **KAR Annual Conference** and open to the public. However, if you plan to attend, please call the office to confirm the date and time. Click [here](#) for more information.

Have an idea?

KREC staff are always looking to continually improve the newsletter. If you have a topic that you'd like to see discussed in a future issue, please send us an [email](#) with your idea.

Reminder!

You may start taking CE hours as early as the day after your renewal date. Avoid late fees by ensuring your CE and renewal requirements are met. Visit the [Directory of Approved CE Providers](#) to get started. To search by topic, click "Ctrl-F" to open a Find box on your screen and type a keyword (e.g., Commercial, Required).

Unlawful Advertising

KREC has received several complaints about unlawful advertising, specifically those that do not list the supervising broker's trade name or business name. Licensees are encouraged to review [K.S.A. 58-3086](#) in its entirety. Kansas law states, "No licensee shall use any promotion or advertisement in any type of media that promotes the licensee's business in a manner that could confuse or mislead the public by using terms or a trade name or a business name that could be construed as the trade name or business name of a supervising broker."

Also, all advertising conducted by a licensee shall:

- (A) Be conducted under the direct supervision of the supervising broker or branch broker;
- (B) include the name of the supervising broker's trade name or business name by *prominently and conspicuously* displaying or announcing the supervising broker's trade name or business name in a readable and identifiable manner; and
- (C) include any other information that the supervising broker or branch broker considers necessary.

The sample advertisements, shown below, are for John Smith who is an affiliated licensee under the supervision of a broker whose registered business name with the commission is Kansas Realty.

FOR SALE
The Smith Group
John Smith
1-800-555-5555

FOR SALE
Kansas Realty
John Smith
1-800-555-5555

*Does **NOT** comply with Kansas law* *Does comply with Kansas law*

The first example does not include the broker's trade name and therefore does not comply with Kansas law. The team name, "The Smith Group," could be construed as the trade or business name of the supervising broker. It is not obvious to the public which company the licensee is associated. The second example correctly shows the broker's trade name in a conspicuous manner.

Coming Soon Signs

As a reminder, [58-3062\(a\)\(7\)](#), *Prohibited Acts*, states that no licensee, whether acting as an agent, transaction broker or a principal, shall place a sign on any property offering it for sale or lease without written consent of the owner or the owner's authorized agent. As "Coming Soon" signs grow in popularity, remember that an effective agreement to market the property must be obtained before placing a sign in a seller's yard or building.

When is an Agency Agreement Needed?

It is important to understand that an agency agreement should be in place when a licensee is party to the transaction. Unless the transaction is being conducted outside of the brokerage (e.g. FSBO), a written agency agreement is needed for any of the following scenarios:

- The client is a company, corporation, or LLC owned by the broker
- The client is the broker and another party, such as a spouse for example
- The client is an affiliated licensee of the broker
- The client is a company, corporation, or LLC owned by an affiliated licensee
- The client is an affiliated licensee and another party, such as a spouse for example

If the transaction involves property owned by any agency of the federal government, a broker may not need an agency agreement if verbal authorization from the federal agency is obtained. Licensees are encouraged to review [K.S.A. 58-30,103](#) in its entirety.

Broker Approval Requirements

The KREC website now contains updated information about broker approval requirements. Please discontinue reference to or distribution of the Broker Points System. Applicants must be licensed as a salesperson in Kansas, or as a salesperson or broker in another state, and *actively engaged* for at least 2 years out of the last 5 years in activities which require a real estate license in Kansas. Qualifying licensed real estate activities must be for compensation and on behalf of a client or customer. Below are the minimum requirements necessary for commission staff to approve a broker application based on the delegated powers of the Commission to the staff.

Number of Years Licensed	Number of Completed Transactions in the Last 5 Years	License Status
Less than 2 years	40 or more	Restricted
2 or more years	40 or more	Unrestricted
2 or more years	20 to 39	Restricted
3 or more years	30 or more	Unrestricted

It should be noted that, a maximum of five transactions can involve personal interest. Staff cannot count team member transactions or transactions as a residential property manager. The restriction would prohibit supervision of any Kansas licensees.

If an applicant does not meet the criteria above, the application will be forwarded to commission members for review. The Commission will approve, approve with restrictions and/or conditions, or deny the application based on their evaluation of the information provided. Experience in real estate, a related business, or a combination of such experience and education may be accepted if the Commission believes it qualifies the applicant to act as a broker. Please see Item 8 under [Application for a New License](#) for more information.

Renewal Reminders

First Letter of Last name	Renewal Due Date	Expiration Date
I-J-K-L	08/15/17 - 09/30/2017	10/31/2017
M	10/15/17 - 11/30/2017	12/31/2017
N-O-P	12/15/17 - 01/31/2018	02/28/2018

The mission of the Kansas Real Estate Commission is to protect the public interest, which embraces both the interests of the regulated real estate licensees and the interests of consumers who use their services and products.

Commission Members

Bryon Schlosser, Chair, 2nd District | **Joseph Vaught**, Vice Chair, 3rd District
Errol Wuertz, 1st District | **Sue Wenger**, 4th District | **Connie O'Brien**, Member at Large