

Jayhawk Tower  
700 SW Jackson St, Suite 404  
Topeka, KS 66603-3785



phone: 785-296-3411  
fax: 785-296-1771  
www.krec.ks.gov

Erik Wisner, Executive Director

Jeff Colyer, M.D., Governor

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Real Estate Commission

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### Announcements:

The next Commission meeting is scheduled for 9:00am on April 16th at the Commission office in Topeka. This meeting is 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.

### FYI...

The Commission looks forward to the opportunity to visit with the eastern region of Kansas. A Commission meeting is scheduled for May 21<sup>st</sup> in the KCRAR classroom located at 11150 Overbrook Road, Suite 100, Leawood, Kansas.

### Did you know?

The most common violations found in **purchase contracts** during a compliance review are:

- Missing or incorrect brokerage relationship disclosure
- Missing or incorrect escrow agent
- Earnest money agreement and handling
- Closing date

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## Changes to Commission Forms

The Commission has revised three forms used by licensees in their real estate business. These new forms should replace the use of old forms immediately. Below is an overview of the changes:

1. The "Real Estate Brokerage Relationships" **brochure** was updated to help clarify designated agency in addition to seller agency, buyer agency, and transaction brokerage. Space is now provided to include the name of the supervising broker, name of the licensee providing the document, and name of the real estate firm. The regulation allows for a brokerage firm to produce their own version of this document if it contains the minimum disclosure requirements from the version adopted by the Commission.
2. The four types of Transaction Brokerage Addendum forms were combined into one document, simply known as the "**Transaction Broker Addendum**."
3. The "Buyer's or Tenant's Consent to Direct Negotiation" **form** was condensed and revised to make it easier to understand.

Amendments to K.A.R. 86-3-26 through 86-3-28 allowed for the revisions to these forms to help clarify the requirements based on statutes and regulations. Please visit <http://krec.ks.gov/form/library> to obtain the most recent forms and documents. All forms are fillable online.

## Continuing Education Questions

Below are answers to questions commonly received by Commission staff related to continuing education.

### ➤ What CE courses are offered by the Commission?

The Commission does not offer courses directly. An approved school submits a course to the Commission where it is reviewed and approved if the course meets all requirements in law. Please contact the Commission if you have comments about a course or provider.

### ➤ Where is the list of available CE courses?

Approved courses are frequently added to the **Directory of Approved CE Providers**, located on the Commission website. Over 500 classroom and distance education courses are available from multiple schools.

### ➤ What about Pre-license courses?

Pre-license courses for salespersons and brokers are available through schools approved by the Commission. The **Directory of Approved Pre-License Providers** is also available on the Commission website.

## Compliance Review Results

All supervising brokers are subject to a compliance review. Once the auditor has completed the review, the broker is provided with the results and is given the opportunity to discuss any issues. Due to a thorough quality control and attorney review process, the official results are received by the

broker at a later time. Although we try to provide the official results in a timely manner, making sure we fully explain the issue, as well as the specific statute or regulation, is our top priority. Brokers can move forward with compliance after discussing the issues with the auditor. If further clarification is needed prior to receiving the official results, please contact the Compliance Department.

## Updated Rules and Regulations

Recently, the Commission updated the Kansas Real Estate License Law books. Copies of these revised books were mailed to all supervising brokers. A law book will also be mailed to newly issued broker licensees. The Commission can arrange for an order, in increments of 100, to be printed and shipped at the cost of the licensee or school. The cost is \$325 for a box of 100 booklets to be shipped to one location. A PDF of the updated book is available [online](#) to print directly from the website. To search the statutes and regulations by keyword, type "Ctrl-F" to open a Find box.

Below is a summary of major license law changes since the last printing in 2010.

- **58-3074.** Reduced the transfer of fee fund revenues to the state general fund and allowed the Commission to keep fines received to cover the investigation and litigation costs (pg. 42).
- **58-3063.** Several changes to license fees assessed by the Commission (pg. 35).
- **58-3040.** Allowed non-resident brokers to obtain a Kansas salesperson license (pg. 10).
- **58-3046a.** Gave the Commission the authority to approve schools who only provide continuing education (pg. 18).
- **58-3050.** Granted the Commission the authority to impose discipline on new license applicants or existing licensees for engaging in fraudulent conduct, forgery, or in withholding information or refusing to cooperate with investigations, audits, or licensure (pg. 24).
- **86-3-31.** Established standards and mitigating and aggravating factors the Commission would consider if they found a broker had failed to supervise their office (pg. 93).
- **86-3-26a.** Clarified that the required brokerage relationship disclosure has to be accurate and complete (pg. 91).



## Online Business Procedures

In December 2017, the Commission went live with a new licensing platform that replaced the Commission's prior system which had been in place for 17 years. The new licensing platform will greatly enhance your ability to transact business with the Commission online. For business transactions not currently available through the Commission's online system such as new applications for licensure, updating company information (open/close status and broker changes), and affiliated licensee status changes (deactivation/reactivation/transfers), the Commission highly recommends submitting the required forms and payment via email at [krec@ks.gov](mailto:krec@ks.gov), fax at 785-296-1771 or U.S. mail. The Commission restricts public access to the main office unless a prearranged appointment is made, so we discourage individuals from delivering paperwork in person.

## Renewal Reminders

First Letter of Last name	Renewal Due Date	Expiration Date
Q-R	03/31/2018	04/30/2018
S	05/31/2018	06/30/2018
T-U-V	07/31/2018	08/31/2018

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