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Real Estate Commission

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### Announcements:

The next Commission meeting is scheduled for 9:00am on June 18th 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.

### Signs of Cyber Fraud

Cyber fraud is a quickly growing trend in real estate transactions. Security 1st Title Company created a [flyer](#) that highlights warning signs of cyber fraud. The real estate industry can help clients avoid theft by advising them to look for clues that emails may be fake and to call the title company if someone tries to change the original wiring instructions.

### Reminder:

Ensure sufficient funds are in your account to cover payments to the Commission. If your card is declined, processing will be delayed.

### Follow us!

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## Traditional Forms of Advertising vs. Online: There is No Difference in Kansas Law

A common misconception in real estate is that different platforms for advertisements have different legal requirements. **K.S.A. 58-3086(b)(B)** states that all advertising conducted by a real estate licensee must "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." The "one click away" concept is a common misconception and is not part of Kansas law. The supervising broker's business or trade name must be prominently and conspicuously displayed in comparison to the licensee's or team's name no matter where the advertising is displayed. This means that forms of social media where the amount of text is limited may not be the best form of advertising.

As a reminder, state law always overrules the REALTOR Code of Ethics whenever state law is more restrictive. All licensees should take care when using social media or other internet-based publications and applications since the law applies in the same way as traditional forms of advertising (i.e., brochures, flyers, magazines, newspapers, yard signs). Often, online advertising platforms purchased by licensees are only designed to comply with the Code of Ethics and not state license law.

Licensees are encouraged to review [K.S.A. 58-3086](#) in its entirety. Whether you are a member of the REALTOR association or not, the law is the same for all licensees using any method of advertising.

## Alternatives to Displaying Paper Licenses

Kansas law requires real estate licenses to be displayed in primary and branch offices. As the Commission transitions to its new licensing system, the [online company search page](#) has increased functionality and now provides the same information that is contained on a paper wall license. The Commission will consider license verification information obtained from the Commission's online company search page to be a substitute for the paper wall license.

Brokers responsible for supervising primary and branch offices have the option of printing this page from the Commission website, making the online page available from an electronic device upon request, or requesting the Commission print and email or fax a copy of the primary or branch office's details from the online company search page.

The Commission will discontinue mailing out wall licenses and pocket cards immediately. Electronic pocket cards will be sent via email to all new applicants and licensees who complete their renewal application.

## Did You Know?

A **transaction broker addendum** can ONLY be used when the broker has a buyer agency agreement with the buyer and a seller agency agreement with the seller. The addendum is used to avoid dual agency. The addendum is needed in the following situations:

1. The broker has a buyer agency agreement with the buyer and a seller agency agreement with the seller with no designated agent named in either agreement.
2. The broker has a buyer agency agreement with the buyer and a seller agency agreement with the seller with the same affiliated licensee named as a designated agent in both agreements.

With full disclosure, a seller's agent or designated seller's agent can assist a buyer in the purchase of the client's property.

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## Completing the Transfer Process

Licensees who begin working under a new broker before the transfer has been processed by the Commission are not in compliance. To begin the process, a licensee shall submit form **REL-300** - Licensee Transfer to the Commission with his or her license and \$15 fee. This form is used to transfer a license from one company to another, from one branch to another, from a main office to a branch, or from a branch to a main office.

Licensees should use the **license verification feature** on the Commission website to verify the transfer is complete. Until the new company is displayed under the licensee's record, the licensee is considered to still be with the previous company.

Licensees should not schedule showings or perform tasks under a new company before a transfer is submitted and processed. Transfer requests are usually processed within 2-3 business days of receipt unless an issue with the paperwork arises (i.e., missing signatures or no payment information).

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## CE Requirements for New Brokers

For currently licensed salespersons who are applying for a broker license, any CE taken while holding a salesperson license will not carryover to the new broker license. Any CE taken prior to the issuance of a Kansas broker's license will not count toward upcoming renewals. For example, any CE credit available in the current cycle on a salesperson record will be forfeited if a broker's license is obtained prior to the renewal date. This does not apply to those who already hold a broker license.



## Employee Spotlight

Lynn Comfort is a Real Estate Specialist and Auditor for the Commission. She began working for the Commission in October 2010 and is a lifetime resident of Kansas. Lynn is a licensed real estate broker and has worked in the insurance and real estate industries for over 30 years. She has a son, a daughter, and 9 grandchildren. Lynn enjoys golfing, reading, attending the activities of her grandchildren, and spending time with family and friends.

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## Renewal Reminders

| First Letter of Last name | Renewal Due Date | Expiration Date |
|---------------------------|------------------|-----------------|
| S                         | 05/31/2018       | 06/30/2018      |
| T-U-V                     | 07/31/2018       | 08/31/2018      |
| W-X-Y-Z-A                 | 09/30/2018       | 10/31/2018      |

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