

MINUTES OF THE MEETING
Kansas Real Estate Commission
March 29, 2021

The Kansas Real Estate Commission held its regular meeting on Monday, March 29, 2021, at 9:00 a.m. by telephone conference call

Commissioners Present:

Errol Wuertz, Chairperson
Bryon Schlosser, Vice-Chairperson
Joe Vaught, Member
Sue Wenger, Member

Staff Present:

Erik Wisner, Executive Director
Wendy Alkire, Deputy Director, Compliance Director
Amber Nutt, Education and Communication Director
Stacey Serra, Administrative Director
Alycia Smith, Licensing Director
Kayla Morgan, Administrative Specialist
Cindy Boswell, Real Estate Specialist
Lynn Comfort, Real Estate Specialist

Kansas Real Estate Commission Legal Counsel:

Fran Oleen, Assistant Attorney General
Jane Weiler, Assistant Attorney General

Members of the Public:

Matthew Rice
Bud Tyroler
TJ Lorson
Allen Schweinberg
Mark Barker
Kimberly Goudy
Mark Tomb
Kathy McCarty
Kim Bischler

Call to Order

Mr. Wuertz called the meeting to order at 9:00 a.m. and called the roll to signify presence at the open meeting via conference call.

Approval of the Minutes of the February 15, 2021 Meeting

Mr. Vaught moved the minutes of the February 15, 2021 meeting be approved. Mr. Schlosser seconded the motion. Motion carried unanimously.

Hearing of Matthew Rice, Docket No. 21-9408

Roll Call Vote on K.A.R. 86-3-10, 86-3-18, 86-3-21 and 86-3-22

The roll call vote to approve K.A.R. 86-3-10 as proposed was approved unanimously. The roll call vote to approve K.A.R. 86-3-18 as proposed was approved unanimously. The roll call vote to revoke K.A.R. 86-3-21 as proposed was approved unanimously. The roll call vote to approve K.A.R. 86-3-22 as proposed was approved unanimously.

Compliance Report

The oldest disciplinary file pending staff review is from September 25, 2020. The oldest disciplinary file pending review by the attorney general's staff is from December 13, 2019. The oldest complaint under investigation (not on hold) is from September 28, 2020.

Staff have completed 158 compliance reviews in FY2021. An additional 173 brokers have been contacted but had no transaction records to review. During 16 follow up compliance reviews, 37% had no violations or only minor violations.

Compliance courses are scheduled for April 1 and July 21, 2021 for BRRETA and April 7 and July 13, 2021 for Broker Supervision.

Education and Communication Report

Staff approved six elective continuing education courses from February 1, 2021 to February 28, 2021.

In FY2021, Pearson Vue administered 2,764 exams with an overall pass rate of 60%. 20 brokers and 290 salespersons tested based on requirements met in another state. Brokers had a 63% pass rate, and salespersons had an 59% pass rate.

Licensing Report

As of March 16, 2021, there are 18,800 licensees and 388 pending applications (97 salesperson, 27 broker and 264 fingerprint-only files). There are 1,612 licenses with expiration dates between April 30, 2020 and March 1, 2021 which are still valid pursuant to the Governor's Executive Order.

Director's Report

The real estate fee fund balance as of Feb. 28, 2021 is \$1,094,445 up \$114,264 from July 1, 2020. Real estate fee fund receipts for FY21 are \$786,297. This is 1% lower than original estimates. Real estate fee fund expenditures for FY21 are \$672,755. This is 6% or \$70,135 lower than original estimates. Background investigation fee fund receipts for FY21 are \$97,560. This is 11% higher than estimates. Real estate recovery fund receipts for FY21 are \$5,739. The balance as of Feb. 28, 2021 is \$297,720, up \$4,601 from July 1, 2020. The KREC budget has been approved by both the Senate and House committees with no amendments.

Mr. Wisner updated the Commission on SB 219 which is the unlicensed practice legislation proposed by the Commission. The bill is in the Senate Commerce committee but will not be worked this session. Mr. Wisner

also provided an overview of HB 2066 related to occupational licensing requirements for military service members and spouses and individuals relocating to Kansas from another state.

Mr. Wisner presented a bid to retrofit the KREC conference room for two way audio/visual communications for more inclusive hybrid meetings. Mr. Schlosser made a motion to accept the bid, Mr. Vaught seconded the motion. The motion was passed unanimously.

Mr. Wuertz provided an update to the Commission on Mr. Wisner being approached to run for ARELLO President-Elect in 2022. The commission members encouraged Mr. Wisner to run for the position.

Public Comment

Mark Barker requested a review of the virtual statute and regulatory book to add a more comprehensive index. Staff will work to make sure the search instructions are more visible.

Adjournment

Mr. Schlosser moved to adjourn the meeting. Mr. Vaught seconded the motion. Motion carried unanimously.

Mr. Wuertz adjourned the meeting at 11:05 a.m.