

September 2019

# COMMISSION CHECK IN



The Real Estate Commission prepared this information to provide an overview of common violations. This is an example only, as different facts in a case may result in a different outcome.

## Question

On September 1, 2019, Mr. Ross contacted Salesperson Tony to set up a showing for the single-family home located at 100 Main Street in Wichita, Kansas. Salesperson Tony provided Mr. Ross with the brokerage relationship brochure and explains the different relationship options available. Mr. Ross does not want to sign a buyer agency agreement and verbally agrees to have Salesperson Tony serve as his transaction broker.

Salesperson Tony works at ABC Realty and the property is listed with Broker Bryan at XYZ Real Estate. After viewing the property, Salesperson Tony assists Mr. Ross with writing an offer and submits it to Broker Bryan. The sellers decide to counter and Broker Bryan contacts Salesperson Tony to let him know a counteroffer will be submitted by the end of the day. During the conversation, Salesperson Tony learns the seller is being transferred with her job at the end of the month.

Upon receipt, Salesperson Tony submits the counteroffer to Mr. Ross, but does not share the information regarding the seller being transferred. Mr. Ross accepts the counteroffer. After the transaction closed, Mr. Ross finds out Salesperson Tony did not disclose the seller's job transfer and is upset.

Mr. Ross submits a complaint to the Kansas Real Estate Commission claiming misrepresentation due to not being informed of the seller's job transfer. In his statement, Mr. Ross claims the misrepresentation cost him money because he would have negotiated differently had he known the information.

Did Salesperson Tony violate Kansas law?

## Answer

No, Salesperson Tony did not violate Kansas law.

K.S.A. 58-30,113(f) prohibits a transaction broker from disclosing motivating factors for any party or providing information which places one party at an advantage over the other party without permission from all parties. In this scenario, Salesperson Tony did not violate Kansas law.

For more information about requirements for a transaction broker, see K.S.A. 58-30,113.