



COMMISSION NEWS

Newsletter from the Kansas Real Estate Commission

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Upcoming Commission Meetings

August 19

Meetings are open to the public and located at the Commission office in Topeka.

If you plan to attend, please call the office to confirm the date, time, and location. Click [here](#) for more information.

Licenses must be renewed every two years. Check your expiration date [here](#).

Inactive vs. Referral Status: What's the Difference?

The Commission does not have a "referral" license status. A licensee may be affiliated with a company on a referral basis, however this does not automatically place a license on inactive status. An active license is required to complete a referral transaction.

Licenses on inactive status cannot practice activities requiring a Kansas real estate license. Your license remains inactive until you reactivate the license or it expires due to failure to renew.

The 12-hour continuing education (CE) requirement does not have to be met by the license expiration date for an inactive license. The 12 hours must be completed when the license is reinstated to active status.

If the license has been inactive for two or more years, CE totaling six hours for each full year the license has been on inactive status must be completed prior to reactivation. This is in addition to the regular 12 hours required for the immediate past renewal period. If the license has been inactive for five or more years, the licensure exam must be passed in addition to the CE requirements prior to reactivation.

When a supervising or branch broker is requesting inactive status, another licensed Kansas broker must take over as the responsible broker to keep the company open and the affiliated licensees in place within the company.

If you hold an active license and have not completed the required CE when your license expires, you have the option to renew your license on inactive status before the six-month grace period ends.

Reminder

In case you missed the **May newsletter**, the following provisions will take effect **July 1, 2019**:

- ⇒ Reduce the look back period for broker experience from five years to three years
- ⇒ Increase the current broker pre-license education requirement from 24 hours to 30 hours
- ⇒ There will no longer be a renewal due date, only an expiration date
- ⇒ Increase the late fee from \$50 to \$100 for a license renewed after the expiration date, but before the six-month grace period ends

Misuse of Property and Unsupervised Showings

The Commission receives complaints involving licensees providing keys to unlicensed individuals and allowing them to access the property prior to closing. For example, if the buyer closes first and the seller closes later, the licensee assisting the buyer cannot grant unauthorized access to the property until both parties have closed.

58-3062. Prohibited acts. (e)(6) states, "No licensee shall...intentionally misappropriate or misuse any personal property or real property of a client or customer." Licensees are also prohibited from sharing codes to lock boxes or key pads with clients or customers and allowing them to access a property unsupervised. It is the responsibility of the supervising broker and affiliated licensees to ensure a client or customer is not accessing a home without a licensee present. This can result in damage to the property, theft, and altercations.

Agency vs Designated Agency

by Lynn Comfort | Real Estate Specialist and Auditor

The brokerage relationship for all licensees must be included on a purchase contract. If the contract is a co-op situation and you don't know another licensee's role in the transaction, you must find out and indicate it on the purchase contract. The seller and buyer should be aware of the roles of each licensee prior to signing the purchase contract. Some licensees do not understand why another licensee is or is not acting in a designated agent capacity.



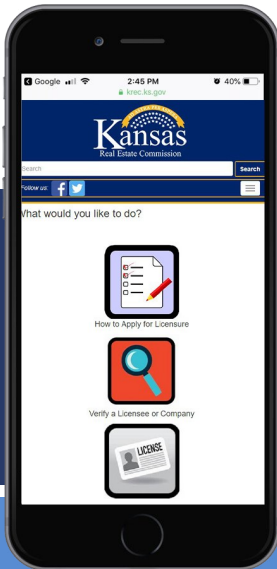
With a designated agent:

1. The licensee designated in the seller or buyer agency agreement is the only licensee representing the seller or buyer. Any other licensee in the firm has no relationship under the agreement.
2. The supervising broker is a transaction broker in any designated agency agreement.
3. A single brokerage can have both a designated seller agent and designated buyer agent working on a transaction.

Some of the reasons a licensee would work in a non-designated agent capacity are:

1. The supervising broker is the only licensee in the brokerage and a supervising broker cannot be a designated agent.
2. The supervising broker chooses to only offer seller agency or buyer agency to their clients. When that is the case, all licensees in the office including the supervising broker are acting as a seller agent or buyer agent depending on the agreement. A licensee can only act in one capacity.

A seller agent, designated seller agent, buyer agent, or designated buyer agent can assist both parties in a transaction, however, the contract needs to reflect the licensee's role in the transaction. Many contracts have a place to indicate seller agent, designated seller agent, buyer agent, designated buyer agent, and transaction broker for both sides of the brokerage relationship disclosure. If you are the only licensee involved in the transaction, the disclosure should be the same on both sides.



Responsive Design for KREC Online

The Commission is currently updating krec.ks.gov to be mobile-friendly. Watch for exciting changes to go live early next month!

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

Erik Wisner, Executive Director

Laura Kelly, Governor

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.