

MINUTES OF THE MEETING
Kansas Real Estate Commission
February 15, 2021

The Kansas Real Estate Commission held its regular meeting on Monday, February 15, 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
Connie O'Brien, 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
Kiereon Sisney, Real Estate Specialist
Jessica Apodaca, Licensing Specialist
Cindy Boswell, Real Estate Specialist

Kansas Real Estate Commission Legal Counsel:

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

Members of the Public:

Mark Barker
Linda Baines
Mark Tomb
Steve Kornspan
Glenda Pfeifer
Kelly White
Mary Gregory
Kimberly Goudy
Alon Yonatan
Vernon Jarboe
Kevin Gichimu

Call to Order

Mr. Wuertz called the meeting to order at 9:02 a.m. and called the roll to signify presence at the open meeting via conference call.

Approval of the Minutes of the December 7, 2020 Meeting

Ms. O'Brien moved the minutes of the December 7, 2020 meeting be approved. Mr. Vaught seconded the motion. Motion carried unanimously.

Public Hearing – K.A.R. 86-3-10, 86-3-18, 86-3-21 and 86-3-22

Mr. Wisner summarized the proposed regulation changes. No written or verbal public comments were received. The Joint Committee on Administrative Rules and Regulations had no comment.

Hearing of Alon Yonatan, Docket No. 21-8996

Hearing of Kevin Gichimu, Docket No. 21-9340

Compliance Report

The oldest disciplinary file pending staff review is from July 1, 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 107 compliance reviews in FY2021. An additional 135 brokers have been contacted but had no transaction records to review. During 16 follow up compliance reviews, 38% 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 13 required core courses and 26 elective continuing education courses from December 1, 2020 to January 31, 2021. Three elective courses were denied.

In FY2021, Pearson Vue administered 2,347 exams with an overall pass rate of 59%. 16 brokers and 233 salespersons tested based on requirements met in another state. Brokers had a 63% pass rate, and salespersons had an 59% pass rate.

Ms. Nutt summarized the revisions to the Distance Education Standards and Policies & Procedures made by the ARELLO Education Certification Committee and distance education providers.

Licensing Report

As of February 1, 2021, there are 18,545 licensees and 376 pending applications (110 salesperson, 18 broker and 248 fingerprint-only files).

Director's Report

The real estate fee fund balance as of Jan. 31, 2021 is \$1,105,348 up \$125,168 from July 1, 2020. Revenue. Real estate fee fund receipts for FY21 are \$721,380. This is 1% higher than original estimates.

Expenditures. Real estate fee fund expenditures for FY21 are \$597,865. This is 5% or \$52,172 lower than original estimates. Background investigation fee fund receipts for FY21 are \$87,240. This is 11% higher than estimates. Real estate recovery fund receipts for FY21 are \$5,723. The balance as of Jan. 31, 2021 is \$297,703, up \$4,584 from July 1, 2020.

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. The Commission also provided testimony on HB 2066 related to occupational licensing requirements for military service members and spouses and individuals relocating to Kansas from another state. Mr. Wisner also provided an overview of other bills being monitored during the 2021 legislative session.

Mr. Wisner indicated the KREC budget has been approved by both the Senate and House committees with no amendments.

Reorganization pursuant to K.S.A. 74-4202(a)

Mr. Schlosser made the motion, seconded by Mr. Vaught, to elect Mr. Wuertz as Chairperson. Motion carried unanimously. Mr. Wuertz made the motion, seconded by Mr. Vaught, to elect Mr. Schlosser as Vice-Chairperson of the Commission. Motion carried unanimously. Ms. Wenger and Mr. Schlosser will remain as the designated investigative team members. Mr. Schlosser requested a report on how other boards and commissions structure their investigative teams.

Adjournment

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

Mr. Wuertz adjourned the meeting at 11:16 a.m.