

MINUTES OF THE MEETING
Kansas Real Estate Commission
July 20, 2020

The Kansas Real Estate Commission held its regular meeting on Monday, July 20, 2020, 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
Kelly White, Deputy Director, Director of Licensing and Education
Wendy Alkire, Director of Compliance
Amber Nutt, Real Estate Education Specialist
Stacey Serra, Legal Assistant

Kansas Real Estate Commission Legal Counsel:

Christine Sankoorikal, Assistant Attorney General
Jane Weiler, Assistant Attorney General

Members of the Public:

Mark Barker
Kathy McCarty
Mark Tomb

Call to Order

Mr. Wuertz called the meeting to order at 9:04 a.m. and called the roll to signify presence at the open meeting via conference call.

Approval of the Minutes of the June 15, 2020 Meeting

Mr. Schlosser made the motion, seconded by Mr. Vaught, to approve the minutes from the June 15, 2020 meeting. Motion carried unanimously, with Ms. O'Brien abstaining.

Hearing of Jamie Vanhamme, Docket No. 20-8403

Hearing of Sydnee Jeanis, Docket No. 20-8560

Mr. Wuertz recessed the KOMA meeting at 9:36 a.m.
Mr. Wuertz reconvened the KOMA meeting at 9:53 a.m.

Hearing of Kyle Shaffer, Docket No. 20-8758

Hearing of Connor Berg, Docket No. 20-8604

Hearing of Michael Hales, II, Docket No. 20-8396

Mr. Wuertz recessed the KOMA meeting at 11:12 a.m.
Mr. Wuertz reconvened the KOMA meeting at 11:22 a.m.

Hearing of Charles Gasser, Docket No. 20-8395

I-Team Procedures and Delegation of Authority

The Commission reviewed staff's proposed revision to the Delegation of Authority for Compliance and Reporting of Information to allow a quicker turnaround time for compliance review files. Staff requested authority to issue another warning letter to an applicant or licensee if the same or similar violation was committed more than 10 years ago or a directive if a warning letter for the past violation was issued less than 10 years ago.

It was the consensus of the Commission to allow staff to forward to a Commission member on the I-Team the question of whether to send a warning letter or a directive when the same or similar violation occurs regardless of the time elapsed since the original violation.

Compliance Report

The Commission reviewed the status of open legal cases. The oldest complaint pending review (non-litigation) is from September 10, 2019. The oldest disciplinary file pending staff review is from September 17, 2018. The oldest disciplinary file pending review by the attorney general's staff is from September 17, 2018.

Staff completed 278 compliance reviews in FY2020. The current turnaround time for compliance review results is 17 months. Zero transactions were reported by 35% of brokers in the last four fiscal years. Fifteen repeat violations were found during 51 follow up reviews in FY2020. Nine percent of complaints in the last four fiscal years were reported anonymously.

Compliance courses are scheduled for July 21 and October 1, 2020.

Licensee, Education and Exam Report

As of June 30, 2020, there are 17,316 licensees and 275 pending applications (86 salesperson, 21 broker and 168 fingerprint-only files).

Staff approved one principles of real estate course and four elective continuing education courses from June 1 to June 30, 2020.

In FY2020, Pearson Vue administered 2,650 exams with an overall pass rate of 67%. Fifty-four brokers and 361 salespersons tested based on requirements met in another state. Brokers had a 74% pass rate, and salespersons had an 87% pass rate.

The Commission issued 1,702 salesperson licenses in FY2018, 1,618 in FY2019, and 1,409 in FY2020.

Director's Report

Real estate fee fund receipts are \$1,188,089 which is 1% higher than estimated. Real estate fee fund expenditures including encumbrances for FY2020 are \$1,118,904 which is 1% or \$10,201 lower than estimated.

The real estate fee fund balance is \$980,0701 which is up \$65,381 from July 1, 2019. Background investigation fee fund receipts for FY2020 are \$108,475 which is 11% lower than estimated. Combined March-June 2020 revenue was down \$32,182 from the revenue collected in March-June 2019. Real estate recovery fund receipts for FY2020 are \$5,074 and the balance in the fund is \$293,118.

Public Comments

No public comments were made.

Executive Session

Mr. Schlosser made the motion, seconded by Ms. Wenger, that the Commission recess into executive session pursuant to K.S.A. 75-4319(b)(2) for discussion of confidential attorney-client advice with Christine Sankoorikal, Jane Weiler and Erik Wisner. The Commission will reconvene the open meeting in the same location in 20 minutes at 12:50 p.m. Motion carried unanimously.

Mr. Wuertz recessed for executive session at 12:31 p.m.

Mr. Wuertz reconvened the KOMA meeting at 12:51 p.m.

Executive Session

Mr. Schlosser made the motion, seconded by Ms. O'Brien, that the Commission recess into executive session to discuss personnel matters of non-elected personnel with general counsel Christine Sankoorikal to protect the privacy of the parties involved pursuant to K.S.A. 75-4319(b)(1). The Commission will reconvene the open meeting in this same location in 10 minutes at 1:03 p.m. Motion carried unanimously.

Mr. Wuertz recessed for executive session at 12:53 p.m.

Mr. Wuertz reconvened the KOMA meeting at 1:03 p.m.

Mr. Schlosser made the motion, seconded by Mr. Vaught, to grant Mr. Wuertz the authority to request a bonus from the Department of Administration or Governor's office for Mr. Wisner. Motion carried unanimously.

Mr. Schlosser made the motion, seconded by Mr. Vaught, to adjourn the meeting. Motion carried unanimously.

Mr. Schlosser adjourned the meeting at 1:08 p.m.

Attest: _____

Errol Wuertz, Chairperson

Bryon Schlosser, Vice-Chairperson

Connie O'Brien

Joe Vaught

Sue Wenger