

MINUTES OF THE MEETING
Kansas Real Estate Commission
October 18, 2021

The Kansas Real Estate Commission held its regular meeting on Monday, October 18, 2021, at 9:00 am by Zoom teleconference.

Commissioners Present:

Errol Wuertz, Chairperson
Bryon Schlosser, Vice-Chairperson
Clarissa Harvey, Member
Jacqueline Kelly, Member
Natalie Moyer, Member

Staff Present:

Erik Wisner, Executive Director
Wendy Alkire, Deputy Director and Compliance Director
Amber Nutt, Education and Communication Director
Alycia Smith, Licensing Director
Lindsey Bowes, Legal Assistant
Dee Raker, Real Estate Specialist

Kansas Real Estate Commission Legal Counsel:

Sarah Shipman, Deputy Attorney General
Jane Weiler, Assistant Attorney General

Members of the Public:

Sonya O'Connell
Christina Boveri
Kelly White
Mark Barker
Kathy McCarthy
Mark Tomb

Call to Order

Mr. Wuertz called the meeting to order at 9:02 am.

Approval of the Minutes of the August 30, 2021 Meeting

Mr. Schlosser moved the minutes of the August 30, 2021 meeting be approved. Ms. Moyer seconded the motion. Motion carried unanimously.

Hearing of Sonya O'Connell, Docket No. 21-9802

Review of Guidelines for Disposition of License Applications

Ms. Smith and Mr. Wisner presented proposed changes to the Delegation of Authority for License Applications, which delegates authority to Commission staff for specified scenarios related to license applications. The latest version of the document incorporates feedback received from Commission members at the August 30, 2021 Commission Meeting. Mr. Schlosser moved to approve the revisions to the delegation of authority as proposed with one technical amendment in the broker experience table. Ms. Kelly seconded the motion. Motion carried unanimously.

Open Records Policy

Mr. Wisner recommended the Commission revise its open records disclosure policy and no longer release a licensee or applicant's personal email addresses, cell phone numbers and home address. The Commission is permitted to not disclose this information pursuant to K.S.A. 45-221(a)(49). This recommendation was due to security concerns related to releasing personal identification information that could be used for identity theft and phishing schemes. Ms. Moyer moved the Commission revise our open records disclosure policy and no longer release a licensee or applicant's personal email addresses, cell phone numbers and home address pursuant to the exemption for disclosure provided in K.S.A. 45-221(a)(49). Mr. Schlosser seconded the motion. Motion carried unanimously.

Compliance Report

Wendy Alkire introduced new staff member Dee Raker. Staff have completed 56 compliance reviews in FY2022. In FY2022, staff have received 107 complaints. Compliance courses are scheduled for October 20, 2021 and February 2, 2022 for BRRETA and January 26, 2022 for Broker Supervision.

Education and Communication Report

Staff approved 7 pre-license course and 21 elective continuing education courses in FY22. In FY2022, Pearson Vue has administered 824 exams with an overall pass rate of 61%.

Licensing Report

As of August 2021, there are 20,033 licensees which is an increase of 2,159 compared to October 2020. There are 349 pending applications (93 salesperson, 15 broker, and 241 fingerprint-only files), this is an increase of 7 applicants compared to October 2020.

Director's Report

The real estate fee fund balance as of Aug. 31, 2021 is \$1,143,134 up \$21,743 from July 1, 2021. Real estate fee fund receipts for FY21 are \$178,248. This is 1% lower than original estimates. Real estate fee fund expenditures for FY21 are \$162,171. This is 3% lower than original estimates. Background investigation fee fund receipts for FY21 are \$16,320. Real estate recovery fund receipts for FY21 are \$2,123. There were no audit findings in the FY21 annual audited conducted by the Department of Administration.

Mr. Wisner provided updates regarding ARELLO Annual Meeting and the Kansas Association of Realtors Annual Conference he recently attended.

Public Comment

Mr. Wisner presented a written comment from Kristi Fowler who encouraged the commission to consider onsite penalty free audits six months after a broker opens a company to assist with compliance with KREC guidelines.

Ms. Kelly requested more information on the capacity to do onsite audits for new brokerage.

Mr. Barker provided information on Fair Housing issues discussed at the ARELLO Annual Meeting and recommended the Commission publish information on Fair Housing resources and consider amendments to license law. Mr. Schlosser said we could look at including it with revisions to unlicensed activities.

Adjournment

Mr. Schlosser moved to adjourn the meeting at 10:40 am. Ms. Moyer seconded the motion. Motion carried unanimously.