

MINUTES OF THE MEETING
Kansas Real Estate Commission
May 17, 2021

The Kansas Real Estate Commission held its regular meeting on Monday, May 17, 2021, at 9:00 a.m. by Zoom.

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, Compliance Director
Amber Nutt, Education and Communication Director
Stacey Serra, Administrative Director
Alycia Smith, Licensing Director
Cindy Boswell, Real Estate Specialist
Lynn Comfort, Real Estate Specialist

Kansas Real Estate Commission Legal Counsel:

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

Members of the Public:

Mark Barker
Kelly White
Ally Johnson
Mark Tomb
Glenda Pfeifer
Kimberly Goudy

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 March 29, 2021 Meeting

Mr. Schlosser moved the minutes of the March 29, 2021 meeting be approved. Ms. Moyer seconded the motion. Motion carried unanimously.

HB 2066 After Action

Mr. Schlosser moved the changes to the licensing applications for both brokers and salespersons as presented to the Commission be approved with the addition of a question regarding the applicant's intent to become a Kansas resident. Ms. Moyer seconded the motion. Motion carried unanimously.

Commission staff will work on a draft of regulations pertaining to issuing temporary licenses to applicant as reference in HB 2066 to be presented to the Commission at a later date.

Executive Order 21-22

Mr. Schlosser moved pursuant to Executive Order 21-22 to end all license expiration date extension on June 1, 2021. Ms. Kelly seconded the motion. Motion carried unanimously.

Compliance Report

The oldest disciplinary file pending staff review is from February 3, 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 January 13, 2021.

Staff have completed 198 compliance reviews in FY2021. An additional 195 brokers have been contacted but had no transaction records to review. During 24 follow up compliance reviews, 21% had repeat violations.

Compliance courses are scheduled for July 21 and October 20, 2021 for BRRETA and July 13 and October 14, 2021 for Broker Supervision.

Education and Communication Report

Staff approved two pre-license courses, four mandatory continuing education courses, and 22 elective continuing education courses from March 1, 2021 to April 30, 2021.

In FY2021, Pearson Vue administered 3,546 exams with an overall pass rate of 59%. 30 brokers and 381 salespersons tested based on requirements met in another state. Brokers had an 80% pass rate, and salespersons had an 87% pass rate.

The Commission approved by consensus the naming of the conference room in the KREC offices to "The Kelly White Conference Room" in recognition of her many years of service to the Commission.

Licensing Report

As of May 4, 2021, there are 19,204 licensees and 381 pending applications (102 salesperson, 24 broker and 255 fingerprint-only files). There are 1,775 licenses with expiration dates between April 30, 2020 and May 1, 2021 which are still valid pursuant to the Governor's Executive Order.

Director's Report

The real estate fee fund balance as of April 30, 2021 is \$1,046,882 up \$66,702 from July 1, 2020. Real estate fee fund receipts for FY21 are \$1,014,180. This is 1% lower than original estimates. Real estate fee fund expenditures for FY21 are \$947,452. This is 3% or \$39,880 lower than original estimates. Background investigation fee fund receipts for FY21 are \$126,120. This is 17% higher than estimates. Real estate recovery fund receipts for FY21 are \$5,769. The balance as of April 30, 2021 is \$297,749, up \$4,631 from July 1, 2020.

The KREC budget has been approved by the legislature and signed into law in April. The legislature did NOT approve the 2.5% pay raise for state employees proposed by the Governor for FY22. The legislature also did not approve the 2.5% increase in FY21.

Mr. Wisner provided possible avenues to move SB 219 through the legislature next year.

Mr. Wisner provided an update on the installation of the audio/visual hardware for the Commission meeting room. The Commission approved by consensus the allowance for hearing participants to participate remotely after the Commission resumes in-person meetings.

Motion by Ms. Kelly to approve Ms. Harvey's appointment to the I-Team made by Sue Wenger's departure from the Commission. Ms. Moyer seconded the motion. Motion carried unanimously.

Public Comment

Ms. Shipman conducted board member orientation for the Commission regarding the Kansas Administrative Procedures Act, the Kansas Open Records Act, the Kansas Open Meetings Act, the Kansas Tort Claims Act, and other relevant topics.

Adjournment

Mr. Wuertz adjourned the meeting at 11:26 a.m.