

MINUTES OF THE MEETING  
Kansas Real Estate Commission  
December 6, 2021

The Kansas Real Estate Commission held its regular meeting on Monday, December 6, 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  
Cindy Boswell, Real Estate Specialist  
Dee Raker, Real Estate Specialist  
Jennifer Box, Administrative Specialist

**Kansas Real Estate Commission Legal Counsel:**

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

**Members of the Public:**

Mark Barker  
Kim Bischler  
David Bryan  
Kim Goudy  
Barbara Kearney  
Halee Lindstrom  
Joe Nickels  
Lee Robertson  
Myllinda Serrioz  
Mark Tomb  
Kelly White  
Anthony Worthy

### **Call to Order**

Mr. Wuertz called the meeting to order at 9:03 am.

### **Approval of the Minutes of the October 18, 2021 Meeting**

Mr. Schlosser moved the minutes of the October 18, 2021 meeting be approved. Ms. Moyer seconded the motion. Motion carried unanimously.

### **Hearing of Mylinda Serrioz, Docket No. 22-9932**

### **Hearing of Anthony Worthy, Docket No. 22-0006**

### **Hearing of Joseph Nickels, Docket No. 22-0008**

### **Compliance Report**

Staff have completed 76 compliance reviews in FY2022. In FY2022, staff have received 149 complaints. Compliance courses are scheduled for February 2 and May 4, 2022 for BRRETA and January 26 and April 27, 2022 for Broker Supervision.

### **Education and Communication Report**

Staff approved 7 pre-license course and 23 elective continuing education courses in FY22. In FY2022, Pearson Vue has administered 1,123 exams with an overall pass rate of 61%.

### **Licensing Report**

As of November 2021, there are 20,246 licensees which is an increase of 2,075 compared to November 2020. There are 379 pending applications (105 salesperson, 20 broker, and 254 fingerprint-only files), this is an increase of 4 applicants compared to November 2020.

### **Director's Report**

The real estate fee fund balance as of October 31, 2021 is \$1,207,809 which is up \$86,418 from July 1, 2021. Real estate fee fund receipts for FY2022 are \$467,652 which is 2% higher than estimated. Real estate fee fund expenditures for FY2022 are \$344,500 which is 4% lower than estimated.

Background investigation fee fund receipts for FY2022 are \$38,880. Real estate recovery fund receipts for FY2022 are \$2,144.

The Division of Budget denied the Commission's FY2023 budget enhancement request related to the projected increase in the cost for the Kansas Attorney General's Office for legal representation. Mr. Wisner submitted a written appeal request to the Division of Budget reiterating the reasons for the enhancement and providing information on costs.

Mr. Wisner provided an update regarding revisions to the unlicensed practice legislation related to wholesaling.

Mr. Schlosser moved that the Commission designate and delegate to the Executive Director its authority to provide testimony to the Legislature or answers to Legislators or Legislative Committees, during the 2022 Legislative Session, including any 2022 Special Session, on policies decided by the Kansas Real Estate

Commission. Further, the Executive Director is required to notify the Commission of the testimony or answers at the next meeting. Ms. Kelly seconded the motion. Motion carried unanimously.

Mr. Schlosser moved that the Commission designate and delegate to the Chairperson, or the Vice Chairperson, its authority to provide testimony or answers to Legislators or Legislative Committees, during the 2022 Legislative Session, including any 2022 Special Session, on policies that have not been finally determined by the Commission but requires an immediate response by the Commission to the requestor. Any testimony or answers to Legislators or Legislative Committees from the Chairperson, or the Vice Chairperson as the case may be, may be conveyed through the Executive Director. Further, the Chairperson, or the Vice Chairperson as the case may be, is required to notify the Commission of the testimony or answers at the next meeting, whether at a special meeting or at the regularly scheduled meeting. If the Commission approves of the testimony or answers provided, the Chairperson, or the Vice Chairperson shall obtain ratification by the Commission. If the Commission disapproves of the testimony or answers provided, the Chairperson, or the Vice Chairperson shall immediately withdraw the prior testimony or answers and shall provide the requestor with the Commission's approved policy. Ms. Moyer seconded the motion. Motion carried unanimously.

#### **Public Comment**

Mark Barker asked a question on electronic fingerprinting.

#### **Adjournment**

Ms. Kelly moved to adjourn the meeting at 11:12am. Ms. Moyer seconded the motion. Motion carried unanimously.