

MINUTES OF THE MEETING
Kansas Real Estate Commission
December 05, 2022

The Kansas Real Estate Commission held its regular meeting on Monday, December 05, 2022, at 9:00 a.m. via Zoom teleconference.

Commissioners Present:

Natalie Moyer, Chairperson
Jacqueline Kelly, Vice-Chairperson
Bryon Schlosser, Member
Marsha McConnell, Member
Clarissa Harvey, Member

Staff Present:

Erik Wisner, Executive Director
Wendy Alkire, Deputy Director and Compliance Director
Amber Nutt, Education and Communication Director
Lindsey Bowes, Legal Assistant
Jennifer Box, Administrative Specialist
Alycia Smith, Licensing Director
Lynn Comfort, Real Estate Specialist

Kansas Real Estate Commission Legal Counsel:

Laine Barnard, Assistant Attorney General
Jane Weiler, Assistant Attorney General

Members of the Public:

JD Schiller	
Mark Tomb	
Todd Woodburn	

Call to Order

Ms. Moyer called the meeting to order at 9:02 a.m.

Approval of the Minutes of the October 17, 2022 Meeting

Mr. Schlosser moved to approve the minutes of the October 17, 2022. Ms. McConnell seconded the motion. Motion carried unanimously.

Education and Communication Report

Staff has approved five pre-license courses and 35 continuing education courses for FY23 thus far. In FY23 so far, Pearson VUE has administered 1,047 exams with an overall pass rate of 56%.

Licensing Report

As of December 2022, there are 19,301 licensees which is a decrease of 945 compared to December 2021. There are 355 pending applications (103 salesperson, 20 broker, and 232 fingerprint-only files), this is a decrease of 24 applicants compared to December 2021.

Director's Report

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 2023 Legislative Session, including any 2023 Special Session, on policies decided by the Kansas Real Estate Commission. Further, Mr. Schlosser moved that the Executive Director is required to notify the Commission of the testimony or answers at the next meeting. Ms. McConnell seconded the motion. Motion carried unanimously.

Ms. McConnell 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 2023 Legislative Session, including any 2023 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, Ms. McConnell moved that 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. Mr. Schlosser seconded the motion. Motion carried unanimously.

Ms. Harvey moved that, pursuant to K.S.A. 2018 Supp. 77-529 of the Kansas Administrative Procedure Act, the Commission designate and delegate to the Chairperson or the Vice Chairperson its authority as agency head to review, decide, and issue any orders concerning petitions for reconsideration with the Commission and taking any other action related thereto until further action by the Commission. Mr. Schlosser seconded the motion. Motion carried unanimously.

Mr. Schlosser moved that the Executive Director shall sign any licensing application or restriction lift orders on behalf of the Commission as directed by the presiding officer. Ms. Harvey seconded the motion. Motion carried unanimously.

Mr. Wisner reviewed updates to the "KREC Staff Guidelines for Disposition of License Applications" document and requested feedback. Mr. Schlosser moved to approve the changes to the document, with the exception of the proposed changes to the licensed attorney approval and the number of transactions for 3 or more year. Ms. Kelly seconded the motion. Motion carried unanimously.

Mr. Wisner provided an update on legislative activity. The Commission discussed possible legislative action on the unlicensed practice bill during the 2023 legislative session. Mr. Schlosser moved to continue forward with

the provisions of 2022 SB 382 during the 2023 session. Kelly seconded the motion. Motion carried unanimously.

Mr. Wisner provided an update on the new licensing system request for proposal. Mr. Wisner provided information from the Office of Recovery related to \$100 million in funds that will soon be available for Efficiency and Modernization of government services. Mr. Wisner spoke with staff from the Office of Information Technology Services and they feel any one-time costs included in the licensing system RFP would present a good application for use of these funds. Ms. Kelly moved to grant the Executive Director authority to submit an application for these funds when the process is open. Mr. Schlosser seconded the motion. Motion carried unanimously.

Adjournment

The meeting adjourned at 10:08 a.m.