

MINUTES OF THE MEETING
Kansas Real Estate Commission
January 23, 2023

The Kansas Real Estate Commission held its regular meeting on Monday, January 23, 2023, at 9:00 a.m. in the KREC Conference Room and 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
Lindsey Bowes, Legal Assistant
Jennifer Box, Administrative Specialist
Alycia Smith, Licensing Director
Lynn Comfort, Real Estate Specialist
Cindy Boswell, Real Estate Specialist
Stacey Warren, Real Estate Specialist

Kansas Real Estate Commission Legal Counsel:

Jane Weiler, Assistant Attorney General
Robert Hutchinson, Assistant Attorney General

Members of the Public:

Vern Jarboe	Kathy McCarty
Mark Tomb	Kim Bischler
Todd Woodburn	Kim Goudy
Adam Crowder	Michelle Schaup
Janeka Jones	Chris Fosgate
Samantha Berning	Randy Vanderpool
Josh Nye	Nicholas Jerkovich
Eric Locke	Mark Barker

Call to Order

Ms. Moyer called the meeting to order at 9:01 a.m.

Approval of the Minutes of the December 5, 2022 Meeting

Mr. Schlosser moved to approve the minutes of the December 5, 2022. Ms. McConnell seconded the motion. Motion carried unanimously.

Hearing of Dr. Janeka Jones, Docket 23-0799

Hearing of Samantha Berning, Docket 23-0804

Hearing of Nicholas Jerkovich, Docket 23-0898

Mr. Jerkovich's attorney, Josh Ney, requested the Commission consider a motion to seal all or a portion of the documents as they contain proprietary information and would damage the respondent's business and future competitive market activities if they were subject to being public record, because they show an aggregation of certain data that would give competitors an advantage. This request includes the page in exhibit B that lists his responsibilities, acquisitions and closing, and the entirety of exhibit C which has the aggregation of market data, and lastly the training video in exhibit B (page 7 of exhibit A, page 18 of exhibit B, page 20 & 21 of exhibit C, page 17 for the training video hyperlink). Mr. Schlosser moved to approve the motion submitted. Ms. Kelly seconded the motion with an amendment as presented in the hearing. Motion carried unanimously.

Education and Communication Report

Staff has approved five pre-license courses and 48 continuing education courses for FY23 thus far. In FY23 so far, Pearson VUE has administered 1,469 exams with an overall pass rate of 56%.

Mr. Wisner provided information about existing pre-license information and requested feedback on if the commission would be interested in the education department gathering more information to update the pre-license course outline. The Commission agreed to move forward on gathering more information and providing results at a later date.

Licensing Report

As of January 2023, there are 19,175 licensees which is an increase of 227 compared to January 2022. There are 282 pending applications (85 salesperson, 14 broker, and 183 fingerprint-only files), this is a decrease of 52 applicants compared to January 2022.

Ms. Smith provided an update on electronic fingerprinting via LiveScan. 76% of the 2,098 fingerprint submissions received between Jan 14, 2022 and Dec 31, 2022 were paper fingerprint cards.

Compliance Report

Staff has completed 126 compliance reviews in FY23. In FY23, staff has received 145 complaints. Compliance courses are scheduled for January 26, 2023 and April 20, 2023 for BRRETA and March 23, 2023 and June 8, 2023 for Broker Supervision.

Director's Report

The real estate fee fund balance as of December 31, 2022 is \$1,441,849 which is up \$58,933 for FY23. Real estate fee fund receipts for FY23 are \$610,408 which is 1% lower than estimated. Real estate fee fund expenditures for FY23 are \$529,223 which is 13% lower than estimated. The background investigation fee fund receipts for FY23 are \$60,540 and the real estate recovery fund receipts for FY23 are \$3,716.

The budget submission for FY23-25 was approved. The governor has proposed pay increases and additional funding to bring certain positions within 5% of market rates.

Mr. Wisner provided an update on legislative matters and the licensing system request for proposal update and SPARK funding. Mr. Wisner provided an update on MV Realty their business model and legal action other states have pursued against the company.

Public Comment

Kathy McCarty and Mark Barker stated in the Zoom chat that several states have pass rate requirements for education providers.

Reorganization pursuant to K.S.A. 74-4202(a).

Ms. Kelly moved that Ms. Moyer remain the Commission Chair for the 2023 year. Mr. Schlosser seconded the motion. Motion carried unanimously.

Ms. Moyer moved that Ms. Kelly remain the Commission Vice Chair for the 2023 year. Mr. Schlosser seconded the motion. Motion carried unanimously.

I-team appointments were not changed.

Adjournment

The meeting adjourned at 11:29 a.m.