

December 2019

COMMISSION CHECK IN



The Real Estate Commission prepared this information to provide an overview of common violations.

Question

A licensee working for Broker A at 123 Real Estate moves their license under Broker B at XYZ Brokerage. According to the Real Estate Brokers' and Salespersons' License Act and the Brokerage Relationships in Real Estate Transactions Act, are each of the following statements true or false?

- A. The licensee may continue to work on their pending transactions under Broker A, if both brokers give permission.
- B. The licensee can take their listings to the new brokerage because the listings belong to the licensee.
- C. After the pending transactions close, Broker A can pay the licensee for services provided while appropriately licensed under Broker A.

Answer

- A. False. Once a licensee leaves a brokerage they can no longer work on the broker's transactions. An affiliated licensee can only conduct business for the brokerage of their supervising broker. K.S.A. 58-3062(b)(5).
- B. False. All agency agreements and written transaction broker agreements are between the consumer and the broker. Once the licensee leaves the brokerage they are no longer associated under the agreements with the consumers. K.S.A. 58-30,102(c) and (v).
- C. True. The licensee can receive compensation from a broker for services conducted while the licensee was associated with the broker. K.S.A. 58-3062(c)(1).