

## MINUTES OF THE MEETING

### Kansas Real Estate Commission

December 11, 2014

The Kansas Real Estate Commission held its regular meeting on Thursday, December 11, 2014, at 9:00 a.m. at Three Townsite Plaza Ste 200, 120 SE 6<sup>th</sup> Avenue, Topeka, Kansas.

#### **Commissioners Present:**

Sue Wenger, Chairperson  
Joseph Vaught, Vice Chairperson  
Errol Wuertz, Member  
Shirley Cook, Member  
Bryon Schlosser, Member

#### **Staff Present:**

Kelly White, Acting Interim Director  
David Pierce, Director of Enforcement, via phone  
Wendy Alkire, Compliance Supervisor  
Janet Pierce, Administrative Specialist  
Aubrie Pryer, Administrative Assistant

#### **Kansas Real Estate Commission Legal Counsel Present:**

Sarah Fertig, Assistant Attorney General, via phone  
Lisa Mendoza, Assistant Attorney General

#### **Members of the Public Present:**

Larry Rickard

#### **Call to Order**

Ms. Wenger called the KOMA meeting to order at 9:08 a.m.

#### **Additions to Agenda**

An I-Team Update was added to the agenda.

#### **Approval of the Minutes of the October 9, 2014 Meeting**

Motion was made by Mr. Wuertz, seconded by Mr. Vaught, to approve the minutes of the October 9, 2014 meeting with corrections as suggested by Ms. Fertig to add to the personnel executive session motions the phrase, "to protect the privacy of those involved", and to rephrase the attorney-client executive session motions to ". . . enter into an executive session for consultation with the Commission's attorney to seek legal advice on a matter protected by the attorney-client privilege" in order to more closely reflect the actual motions made. Motion carried unanimously.

**Approval of the Minutes of the November 13, 2014 Meeting**

Motion was made by Mr. Wuertz, seconded by Mr. Vaught, to approve the minutes of the November 13, 2014 meeting with corrections as suggested by Ms. Fertig to add to the personnel executive session motions the phrase, "to protect the privacy of those involved", and to rephrase the attorney-client executive session motions to ". . . enter into an executive session for consultation with the Commission's attorney to seek legal advice on a matter protected by the attorney-client privilege" in order to more closely reflect the actual motions made. Motion carried unanimously.

**Approval of the Minutes of the November 17, 2014 Meeting**

Motion was made by Mr. Wuertz, seconded by Mr. Vaught, to approve the minutes of the November 17, 2014 meeting with corrections to change the effective date of Sherry C. Diel's resignation to January 2, 2015, and the corrections as suggested by Ms. Fertig to add to the personnel executive session motions the phrase, "to protect the privacy of those involved" in order to more closely reflect the actual motion made, to change the meeting day to "Monday", and to omit Lisa Mendoza as being present for the meeting. Motion carried unanimously.

**Approval of the Minutes of the November 21, 2014 Meeting**

Motion was made by Mr. Wuertz, seconded by Mr. Vaught, to approve the minutes of the November 21, 2014 meeting with corrections as suggested by Ms. Fertig to add to the personnel executive session motion the phrase, "to protect the privacy of those involved", and to rephrase the attorney-client executive session motion to ". . . enter into an executive session for consultation with the Commission's attorney to seek legal advice on a matter protected by the attorney-client privilege" in order to more closely reflect the actual motions made. Motion carried unanimously.

**Refund Policy and Procedure and Deficiency Notices**

Staff reported on current policy and procedures and issues with deficient license application notices. It was the consensus of the Commission to continue working to make the whole application process and deficiency notices more efficient and user friendly.

Ms. Wenger recessed the KOMA meeting at 10:09 a.m. for KAPA Proceedings.

Ms. Wenger reconvened the KOMA meeting at 12:13 p.m.

**Broker Points/Documents Evaluation**

The Commission discussed adding points for an MBA degree but decided to keep the guideline as is for now and to possibly revisit the matter at a future meeting.

**Discussion Regarding Broker Supervision Regulation**

The Commission reviewed a proposed regulation that was drafted in 2009 and directed staff to poll other states for definitions of an office and any distance restrictions for supervision.

### **Budget Report**

The Commission reviewed the FY 2015 Year-to-date Expenditures and Receipts Reports.

### **Staff Report on I-Team Statistics**

The Commission reviewed the staff report on I-Team statistics and asked staff to determine why 11 open complaints did not have an assigned category. Ms. Mendoza reported on the number of pending cases for the Office of Administrative Hearings, provided information on what other licensing agencies are doing, and suggestions to streamline the complaint process. A committee consisting of Ms. Mendoza, Ms. Fertig, Ms. Wenger, Mr. Pierce, Ms. Alkire, and Ms. White will meet to review and propose changes to the Guidance Document on the Prioritization and Process for Review, Investigation, and Closure of Complaints (Policy Number: 2013-03).

### **Education and Exam Report**

The Commission reviewed the reports. Ms. White reported that items on the Kansas portion of the licensure exam were reviewed with Pearson VUE and that February 1, 2015 is the target date to launch the updated exam.

### **Director's Report**

Ms. White presented the Director's Report to the Commission. She explained that the current number of licensees is 13,760, which is holding steady since the previous two months. Commissioners expressed interest in exploring a new credit card device available from Kansas.Gov which may allow fees processed by staff to be paid by any major credit card. The Governor's office approved our request to fill the Legal Assistant position vacated by Mitzi Dodds. Ex-Cel Solutions hosted a conference call to bring us up to speed regarding replacement of the obsolete Accorde electronic imaging system. Additional meetings will be required to study all available options before support ends in December 2015.

### **Public Comments**

Larry Rickard stated he detected a change in the culture of the Commission. He recommended the certification required by the Kansas Board of Regents for pre-license course providers be eliminated. He commented on BRRETA including auctions and transaction brokerage.

Ms. Wenger directed staff to schedule public comments at 1:00 p.m. for future meeting agendas.

### **Adjournment**

Ms. Wenger adjourned the meeting at 2:32 p.m.

### **Upcoming Commission Meeting Dates:**

January 8, 2015  
February 12, 2015  
March 12, 2015