Correctly Transferring Agreements

When a licensee transfers to a different broker, he or she is no longer able to work on any pending transactions because they are no longer supervised by the broker who owns the agreement. K.S.A. 58-30,103(k) states, “The broker shall not assign, sell or otherwise transfer a written agency agreement or written transaction brokerage agreement to another broker without the express written consent of all parties to the original agreement.”

When a licensee enters into a brokerage relationship with a client or customer, he or she is doing so on behalf of the supervising or branch broker. The broker owns those agreements. If the broker allows the licensee to continue working on pending transactions after the licensee transfers to a new broker, the agency or transaction brokerage agreement must transfer to the licensee’s new broker. The original broker should discuss options with the client or customer directly. The broker and client or customer must agree to transfer the brokerage agreement. If the client or customer chooses to transfer the agency or transaction brokerage agreement, the broker and the client and customer must agree in writing. Without a written agreement from the client or customer and the broker, a salesperson or associate broker may be disciplined for continuing to work on a transaction after transferring out of the brokerage. The Commission may also impose disciplinary action if the licensee communicates with a client or customer and, after that communication with the client or customer, asks the broker to release them from their written agreement.

Supervising Broker or Team Leader: Who is in Charge?

The supervising or branch broker is responsible for supervision of all affiliated licensees including any team leaders and team members. A supervising broker may delegate certain responsibilities, but is ultimately responsible for the brokerage and may be held accountable for violations committed by affiliated licensees, including team leaders or team members.

A licensee or consumer could confuse a team leader as the supervising broker when they possibly are not. The Company Search page is available to find the responsible broker of a company.
Disciplinary Actions

Below are disciplinary actions with effective dates of January 1, 2019 or later with respect to revocations, suspensions, or aggregate fines of greater than $500. A licensee is listed twice if they received more than one action (i.e. suspension and fine).

<table>
<thead>
<tr>
<th>Docket Number</th>
<th>Last Name</th>
<th>First Name</th>
<th>License Number</th>
<th>Violation</th>
<th>Legal Action</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-6244</td>
<td>Hufft</td>
<td>Ashley</td>
<td>00239168</td>
<td>Diversion/Probation</td>
<td>License Suspended</td>
<td>1/7/2019</td>
</tr>
</tbody>
</table>

**COMMISSION MEMBERS**

Bryon Schlosser, Chair, 2nd District  | Joseph Vaught, Vice Chair, 3rd District  
Errol Wuertz, 1st District  | Sue Wenger, 4th District  | Connie O’Brien, Member at Large

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The mission of the Kansas Real Estate Commission is to protect the public interest, which embraces both the interests of the regulated real estate licensees and the interests of consumers who use their services and products.