

Guidelines for Evaluating Experience and Education for Kansas Broker's License

Date: December 8, 2005

PLEASE READ BEFORE COMPLETING APPLICATION

Controlling Statutes:

K.S.A. 58-3039(c)(1) requires an applicant for an original license as a broker to have been actively engaged in any of the activities described in subsection (f) of K.S.A. 58-3035 for a period of at least two years during the five years immediately preceding the date of the application. [Note: The two years do not have to be consecutive.]

K.S.A. 58-3039(d) authorizes the Commission to accept proof of experience in real estate or a related business or a combination of such experience and education which the Commission believes qualifies the applicant to act as a broker.

Experience will be evaluated on a case-by-case basis. Evidence of real estate activity may be provided in the manners shown below:

Transaction Experience. Qualifying transactional experience may come from completed or incomplete transactions. The Commission generally gives greater weight to completed transactions than to incomplete transactions.

1. Completed Transactions. (Section A of the Application) Completed transaction experience includes all real estate sales that resulted in a closed transaction and commercial leases that were executed by the lessor and lessee. If you meet the following criteria you will have satisfied the "actively engaged" requirement of the license law.

- a. **A minimum of 8-10** closed residential or agricultural transactions per year during any two years of the preceding five years.
- b. **A minimum of 8-10** closed commercial sales or leases per year during any two years of the preceding five years. The Commission may consider a fewer number of commercial transactions depending on the size and complexity of the transaction.

2. Incomplete Transactions. (Sections B – D of the Application) If your completed transaction experience does not meet the guidelines in the preceding paragraph, you may provide information relative to incomplete transactions. Incomplete transaction experience includes:

- a. listings/brokerage agreements that did not result in a sale or lease;
- b. pending contracts; and
- c. transactions that went to contract that did not close for any reason.

Related Business Experience (Section E of the Application) One, or a combination, of the following real estate or closely related business experience during the past five years *may* qualify as a substitute for up to one year of the two years of active real estate experience required by K.S.A. 58-3039(c)(1):

1. Having performed a substantial number of real estate closings for a title company, escrow company, real estate company or a lender.
2. Having performed substantial activities as a real estate appraiser.
3. Having performed substantial activities defined in K.S.A. 58-3035(f) as an officer or principal in a real estate development or construction business or having performed such activities in any other capacity where such activities were exempt from licensure requirements in Kansas or another jurisdiction. Applicant must demonstrate that he or she was personally and actively engaged in such activities.
4. Having performed substantial activities related to real estate transactions as an officer in a bank, savings association, mortgage company, title company or escrow company. Applicant must demonstrate that he or she was personally and actively engaged in such activities.
5. Having been a practicing attorney. The attorney must demonstrate that his or her experience involved a substantial amount of real estate matters.

Brokerage and Office Management Experience (Section E of the Application) One, or a combination, of the following real estate or closely related business experience during the past five years *may* qualify as a substitute for up to two years of active real estate experience required by K.S.A. 58-3039(c)(1):

1. At least two years of experience as an office manager in a real estate brokerage if duties included extensive activity in the recruiting and training of other agents and oversight of transaction files for compliance purposes.
2. At least two years of experience functioning as the supervising broker of a real estate brokerage located in another jurisdiction if the applicant's responsibilities included recruiting and training of affiliated agents, supervision of affiliated agents and oversight of transaction files for compliance purposes.

Real Estate Designations (Section E of the Application) One, or a combination, of the following real estate designations currently held by the applicant may qualify as a substitute for up to two years of the active real estate experience required by K.S.A. 58-3039(c)(1): (Attach a copy of membership card or designation certificate.)

ABRM	Accredited Buyer Rep. Mgr.
ALC	Accredited Land Consultant
CCIM	Certified Commercial Investment Member
CPM	Certified Property Manager
CRB	Council of Real Estate Brokerage Managers
CRE	Counselors of Real Estate
SIOR	Society of Industrial and Office Realtors

The following designation currently held by the applicant may qualify as a substitute for up to one year of the active real estate experience required by K.S.A. 58-3039(c)(1): (Attach a copy of membership card or designation certificate.)

CRS	Certified Residential Specialist
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Real Estate Education (Section E of the Application) One, or a combination, of the following real estate education courses may qualify as a substitute for up to three months of the two years of active real estate experience required by K.S.A. 58-3039(c)(1):

1. Having a degree with a major or minor in real estate from an accredited university.
2. Having one of the following designations: (Attach a copy of membership card or designation certificate.)

ABR	Accredited Buyer Representative
CIPS	Certified International Property Specialist
GRI	Graduate, Realtor Institute

STATUTORY DEFINITION OF “BROKER”

K.S.A. 58-3035(f) “Broker” means an individual, other than a salesperson, who advertises or represents that such individual engages in the business of buying, selling, exchanging, or leasing real estate or who, for compensation, engages in any of the following activities as an employee of, or on behalf of, the owner, purchaser, lessor or lessee of real estate:

1. Sells, exchanges, purchases or leases real estate.
2. Offers to sell, exchange, purchase or lease real estate.
3. Negotiates or offers, attempts or agrees to negotiate the sale, exchange, purchase or leasing of real estate.
4. Lists or offers, attempts or agrees to list real estate for sale, lease or exchange.
5. Auctions or offers, attempts or agrees to auction real estate or assists an auctioneer by procuring bids at a real estate auction.
6. Buys, sells, offers to buy or sell or otherwise deals in options on real estate.
7. Assists or directs in the procuring of prospects calculated to result in the sale, exchange or lease of real estate.
8. Assists in or directs the negotiation of any transaction calculated or intended to result in the sale, exchange or lease of real estate.
9. Engages in the business of charging an advance listing fee.
10. Provides lists of real estate as being available for sale or lease, other than lists provided for the sole purpose of promoting the sale or lease of real estate wherein inquiries are directed to the owner of the real estate or to real estate brokers and not to unlicensed persons who publish the list.

APPLICATION FOR KANSAS BROKER'S LICENSE

EXPERIENCE REQUIREMENT

Your application will not be approved until sufficient information is received. To avoid delay in approval, please provide complete and detailed information.

K.S.A. 58-3039(c) provides that a broker applicant shall have been licensed as a salesperson or a broker in Kansas or another state and actively engaged in activities described in K.S.A. 58-3035(f) **for a period of at least two years during the last five years.**

The statutory experience requirements and the guidelines the Commission uses to evaluate experience are available in a separate document. If the **Experience Guidelines** were not provided to you with this application, you may print a copy from the Forms section of www.kansas.gov/krec or contact the Commission office at 785-296-3411 to request a copy. We strongly suggest a thorough review of the guidelines before completing this application.

List your license history below and attach license history certifications from states other than Kansas.

TYPE OF LICENSE (Broker or Salesperson)	STATE	DATE OF LICENSURE (indicate any inactive time)	
		From	To

SECTION A COMPLETED TRANSACTIONS

**THIS SECTION SHOULD INCLUDE ONLY REAL ESTATE SALES
THAT HAVE CLOSED AND COMMERCIAL LEASES**

INSTRUCTIONS - DESCRIPTION OF EXPERIENCE/REAL ESTATE ACTIVITY

List your real estate activity, by calendar year, **for a period of at least two years during the last five years**, including the location of the property, your role in the transaction, personal interest, sale date, close date, price and type of real estate.

Instructions for "Your Role in the Transaction": Please check the box that identifies the function you performed in the transaction. If you checked "Other" please indicate your role, i.e., personal assistant, team leader, team member, disclosed dual agent (for nonresidents), etc. and describe your duties in detail. Use the Seller's Agent box if you were a Seller's Agent or a Designated Seller's Agent. Use the Buyer's Agent box if you were a Buyer's Agent or a Designated Buyer's Agent. Include all closed real estate transactions in which you worked with a buyer or seller. Commercial leases may be included, but not residential leases.

Instructions for "Personal Interest": Please check yes or no to indicate whether you personally had an interest in the property being bought or sold. Check yes if this property was your personal residence or an investment property of yours.

Transactions for calendar year: 20_____

SECTION A - COMPLETED TRANSACTIONS

ADDRESS	YOUR ROLE IN THE TRANSACTION	PERSONAL INTEREST	SALE DATE	CLOSE DATE	PRICE and TYPE
	<input type="checkbox"/> Seller's Agent <input type="checkbox"/> Buyer's Agent <input type="checkbox"/> Transaction Broker <input type="checkbox"/> Other (describe duties): _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes If "yes", explain: _____ _____			\$ _____ <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Agricultural <input type="checkbox"/> Industrial
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SECTION B—PENDING SALES

SKIP TO SECTION (E) IF YOU HAVE 8-10 COMPLETED REAL ESTATE SALES OR COMMERCIAL LEASES PER YEAR IN ANY TWO YEARS OF THE PRECEDING FIVE YEARS. IF YOU DO NOT MEET THE MINIMUM NUMBER OF COMPLETED TRANSACTIONS, COMPLETE SECTIONS (B) THROUGH (D).

THIS SECTION SHOULD ONLY BE USED FOR INCOMPLETE TRANSACTIONS WHERE THE PURCHASE CONTRACT IS SIGNED BUT THE TRANSACTION HAS NOT YET CLOSED.

INSTRUCTIONS - DESCRIPTION OF EXPERIENCE/REAL ESTATE ACTIVITY

List your real estate activity including the location of the property, your role in the transaction, personal interest, sale date, scheduled close date, price and type of real estate.

Instructions for "Your Role in the Transaction": Please check the box that identifies the function you performed in the transaction. If you checked "Other" please indicate your role, i.e., personal assistant, team leader, team member, disclosed dual agent (for nonresidents), etc. and describe your duties in detail. Use the Seller's Agent box if you were a Seller's Agent or a Designated Seller's Agent. Use the Buyer's Agent box if you were a Buyer's Agent or a Designated Buyer's Agent. Include all real estate transactions in which you worked with a buyer or seller. Commercial leases may be included, but not residential leases.

Instructions for "Personal Interest": Please check yes or no to indicate whether you personally had an interest in the property being bought or sold. Check yes if this property was your personal residence or an investment property of yours.

Transactions for calendar year: 20_____ **SECTION B—PENDING SALES**

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SECTION C—FAILED TRANSACTIONS

SKIP TO SECTION (E) IF YOU HAVE 8-10 CLOSED REAL ESTATE SALES OR COMMERCIAL LEASES PER YEAR IN ANY TWO YEARS OF THE PRECEDING FIVE YEARS. IF YOU DO NOT MEET THE MINIMUM NUMBER OF COMPLETED TRANSACTIONS, COMPLETE SECTIONS (B) THROUGH (D).

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Instructions for "Personal Interest": Please check yes or no to indicate whether you personally had an interest in the property being bought or sold. Check yes if this property was your personal residence or an investment property of yours.

Transactions for calendar year: 20_____ **SECTION C—FAILED TRANSACTIONS**

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Photocopy and attach supplemental sheets if more space is needed.

SECTION D—CURRENT AND EXPIRED LISTINGS

SKIP TO SECTION (E) IF YOU HAVE 8-10 CLOSED REAL ESTATE SALES OR COMMERCIAL LEASES PER YEAR IN ANY TWO YEARS OF THE PRECEDING FIVE YEARS. IF YOU DO NOT MEET THE MINIMUM NUMBER OF COMPLETED TRANSACTIONS, COMPLETE SECTIONS (B) THROUGH (D).

THIS SECTION SHOULD BE USED TO LIST ANY CURRENT AGENCY OR TRANSACTION BROKER AGREEMENTS YOU HAVE OR ANY EXPIRED AGREEMENTS THAT YOU HAVE TAKEN DURING THE PAST FIVE YEARS.

INSTRUCTIONS - DESCRIPTION OF EXPERIENCE/REAL ESTATE ACTIVITY

List your real estate activity including the location of the property, your role in the transaction, personal interest, beginning date and expiration date of the agency agreement or transaction broker agreement, price and type of real estate.

Instructions for "Your Role in the Transaction": Please check the box that identifies the function you performed in the transaction. If you checked "Other" please indicate your role, i.e., personal assistant, team leader, team member, disclosed dual agent (for nonresidents), etc. and describe your duties in detail. Use the Seller's Agent box if you were a Seller's Agent or a Designated Seller's Agent. Use the Buyer's Agent box if you were a Buyer's Agent or a Designated Buyer's Agent. Include all real estate transactions in which you worked with a buyer or seller. Commercial leases may be included, but not residential leases.

Instructions for "Personal Interest": Please check yes or no to indicate whether you personally had an interest in the property being bought or sold. Check yes if this property was your personal residence or an investment property of yours.

Transactions for calendar year: 20_____

SECTION D—CURRENT AND EXPIRED LISTINGS

ADDRESS	YOUR ROLE IN THE TRANSACTION	PERSONAL INTEREST	BEGINNING DATE	EXPIRATION DATE	PRICE and TYPE
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Transactions for calendar year: 20_____

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Transactions for calendar year: 20_____

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SECTION E REQUEST FOR CONSIDERATION OF RELATED EXPERIENCE

Completion of the table below is optional if you have met the minimum number of completed transactions in Section A.

Before completing the following, see page 2 of the experience guidelines and sample on page 19.

ACTIVITY	COMPANY NAME & ADDRESS	DATES FROM – TO

Photocopy and attach supplemental sheets if more space is needed.

SAMPLE REQUEST FOR CONSIDERATION OF RELATED EXPERIENCE

ACTIVITY	COMPANY NAME & ADDRESS	DATES FROM – TO
Real estate closings - including preparation of deed, title work, escrow agreement, review RE contract to determine payment of appropriate costs, calculate taxes, pay-offs, preparation of closing statements, etc.	Speedy Escrow 123 N. Maybee Peabody, KS	2000 - 22 closings 2001 - 36 closings 2002 - 38 closings
Real estate appraiser - including preparation of CMA's, appraisals using cost, market data and/or income approaches.	Darngood Appraisers 555 Straight St. Circleville, KS	2/14/02 – Present approx. 24 per year
Buy and sell investment properties. NOTE: Please attach supplemental sheets to list each transaction including property address, sale date, close date, price and type of property (i.e., commercial, residential, agricultural)	Tom Smooth Inc. 3066 W. South St. Liberty, MO	July 15, 2003 To Present (see attached)
Buy lots, build and sell for residential, commercial and/or industrial purposes.	Weed Development 160 Penn Ave., Tampa, FL	2004 - 30 Lots 2005 - 44 Lots
Loan officer involved in locating and qualifying financial resources for RE loan purposes including use of secondary market.	Rockefeller S & L 1 Town Center Baldwin, KS	03/15/04 – Present average 50 per year
Prepare RE contracts, practice RE law in district and appellate courts, prepare and/or review abstract and title opinions.	Jack Esquire 147 E. Main Waxee, KS	May 1, 2002 – Present approx. 15 clients/yr
Office manager - recruit, train, monitor transaction activities.	Beemer Real Estate 334 Jackson, Iola, KS	2004 - 12 licensees 2005 - 20 licensees