



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-699A

Charla Slabotsky, Executive Director  
Oklahoma Real Estate Commission  
1915 N. Stiles Ave., Ste. 200  
Oklahoma City, Oklahoma 73105

September 28, 2017

Dear Executive Director Slabotsky:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Real Estate Commission intends to take pursuant to a Consent Order with respect to Board case C-2016-066. The proposed action is to impose a \$500 administrative fine against the licensee for engaging in licensable real estate activities after the licensee's sales associate license expired and receiving commissions for the performance of those activities. Additionally, through the Consent Order, the Commission also proposes to dismiss the case against the licensee's managing broker and the LLC that held an active corporate license and employed the licensee.

A complaint was filed on March 31, 2016, alleging that the licensee was selling real estate without an active license. The licensee's associate license expired July 31, 2014 and was reinstated on December 21, 2015. The licensee's managing broker discovered on October 22, 2015, that the licensee's license was expired and immediately suspended the licensee from handling any files and activities. The managing broker took additional appropriate actions as a broker to ensure that, in the future, the managing broker properly tracked the renewal of licenses and did not rely on renewal notices as had been done in the past. The licensee did receive commissions during the period of July 31, 2014 through October 22, 2015. When the licensee received notice that the license had expired, the licensee contacted the Commission, reapplied for licensure, passed the exam, completed all continuing education and paid the required dues. The licensee's license was reinstated December 21, 2015.

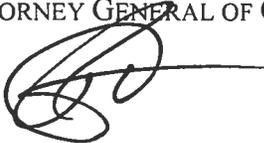
The Oklahoma Real Estate Code, 59 O.S.2011 & Supp.2016, §§ 858-101 – 858-829, authorizes the Commission to, “upon [the] showing [of] good cause, impose sanctions” on licensees. 59 O.S.2011, § 858-312. Good cause for sanctions includes, but is not limited to, “conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings[,]” “[d]isregarding or violating any provision of the Oklahoma Real Estate License Code or rules promulgated by the Commission[.]” and “[p]aying any part of a fee, commission, or other valuable consideration received by a real estate licensee to any person not licensed[.]” *Id.* § 858-312(8-9), (21); *see also id.* § 858-312(3). Under the Commission's rules, “untrustworthy, improper, fraudulent or dishonest

dealings” includes, but is not limited to, when an “[a]ssociate . . . perform[s] licensed activities outside their broker’s supervision.” OAC 605:10-17-4(22). The action seeks to enforce these requirements through the imposition of a moderate administrative fine that the Board may reasonably believe will adequately deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Real Estate Commission has adequate support for the conclusion that this action advances the State of Oklahoma’s policy to uphold standards of professionalism and integrity among real estate agents.



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