



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-90A

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

October 27, 2015

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. The proposed action is to impose a fine of \$750 on Robert Cunningham, Jr., an individual licensee, and a fine of \$250 on Jan Cunningham Realty Incorporated, an entity licensee. The licensees, acting as property managers, failed to timely provide a landlord with a copy of the lease agreement upon request and to timely remit a security deposit to the landlord at the termination of the applicable property management agreement.

Oklahoma law authorizes the Commission to discipline licensees who fail "within a reasonable time . . . to remit any monies, documents, or other property coming into possession of the licensee which belong to others." 59 O.S.2011, § 858-312(6). The action seeks to enforce the statutory duty to turn over money and documents in a reasonable time frame to ensure that real estate agents do not purposefully or inadvertently breach the trust of the public. The Commission may reasonably believe that a copy of a lease agreement can be delivered to a landlord promptly upon request, and a security deposit can be sent to a landlord promptly at the end of a property management agreement. A fine may adequately deter future violations in the circumstances of this case.

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 protect the public from breaches of trust by real estate agents.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA