



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-731A

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

December 1, 2016

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 with respect to Board case C-2016-095. The proposed action is to reinstate the license with a probationary term of two years. The action also imposes fines totaling \$1,750 and requires the completion of nine hours of additional education. In September 2016 the Commission summarily suspended the license pending further proceedings after learning that the licensee was charged with four counts of "felony value-false pretenses." It is alleged the licensee used the licensee's professional relationship with a former client to persuade the client to invest with the licensee \$7,500 in proceeds from a real estate transaction and guaranteed the client a 20% return by April 29, 2016. The licensee allegedly has not paid the client and will not return phone calls. The licensee also failed to notify the Commission of an address change.

Oklahoma law authorizes the Commission to impose sanctions on licensees whose conduct "constitutes untrustworthy, improper, fraudulent, or dishonest dealings." 59 O.S.2011, § 858-312(8). The Commission is authorized to impose, among other things, probation for a specified period of time, additional education requirements, and administrative fines upon good cause. 59 O.S.2011, § 858-208(b), (c), (f). A licensee must timely notify the Commission of any business address change. OAC 605:10-9-5(a). The action seeks to uphold standards of integrity among the Commission's licensees while allowing the licensee to continue working pending the outcome of the criminal investigation. The Commission may reasonably believe that placing the license on probation and requiring additional education is adequate to protect the public.

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 prevent untrustworthy conduct among real estate professionals.

A handwritten signature in blue ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA