



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-27A

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

January 13, 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 U-2014-005. The proposed action is to impose fines totaling \$2,470 on a sales associate licensee with an inactive license as well as a business entity of which the licensee is the sole member. The licensee through the business entity represented a buyer throughout a purchase transaction and received a commission despite lacking active licenses.

Oklahoma law prohibits "any person" from "act[ing] as a real estate licensee . . . unless the person shall have been licensed to do so under the Oklahoma Real Estate License Code." 59 O.S.2011, § 858-301. Under the law, "person" includes business entities in addition to individuals, *id.* § 858-102(13), and the law describes business entities eligible for licensure, *id.* § 858-305(A). Further, a licensee may request and be placed on "inactive status," which renders the licensee unable to perform license-requiring activities. *See id.* § 858-309(A). Here, the licensee has a license on inactive status and has not obtained a license for the business entity through which licensee provided services. The action seeks to impose penalties for those violations. The Board may reasonably believe that, in the circumstances of this case, monetary penalties 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.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA