



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-701A

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-2016-096. The proposed action is to impose a \$500 administrative fine against the licensee for engaging in licensable real estate activities while the licensee's sales associate license was inactive.

The licensee is the holder of an inactive sales associate license. A complaint was filed on August 29, 2016 alleging that the licensee was selling real estate with an inactive sales license. A home in Norman, Oklahoma was listed as "For Sale by Owner" on sales flyers and a "for sale" sign in front of the house. There was no contact information available for the owners of the property, and the only person listed to contact on the flyers and the yard sign was the licensee.

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[]" and "[d]isregarding or violating any provision of the Oklahoma Real Estate License Code or rules promulgated by the Commission[]." *Id.* § 858-312(8-9); *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.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL