



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-60A

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

February 23, 2018

Dear Executive Director Slabotsky:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Real Estate Commission intends to take pursuant to an agreed order with respect to case UC-2017-004. Respondent ABW Tulsa Inc. ("ABW") held an active corporation license, Respondent G.A. held an active broker license, Respondent W.W. held an active broker associate license, and Respondent Whitescarver & Associates was unlicensed at the time of these events. ABW and G.A. failed to properly supervise the activities of W.W., who used Whitescarver & Associates to advertise services without obtaining the proper license. The Commission proposes to impose fines of \$1,000 against ABW, \$1,000 against G.A., \$500 against W.W., and \$500 against Whitescarver & Associates.

The Oklahoma Real Estate Code authorizes the Commission to, "upon showing good cause, impose sanctions" on licensees. 59 O.S.2011, § 858-312. Good cause for sanctions includes "conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings" and "[d]isregarding or violating any rules . . . promulgated by the Commission." *Id.* § 858-312(8-9). Under the Commission's rules, "untrustworthy, improper, fraudulent or dishonest dealings" include the "failure of a broker to properly supervise the activities of an associate." OAC 605:10-17-4(6). The action seeks to enforce these requirements through the imposition of moderate administrative fines that the Commission may reasonably believe will 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's policy to uphold standards of professionalism and integrity among real estate agents.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL