



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-107A

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

February 16, 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 with respect to Board case UC-2016-006. The proposed action is to impose a \$500 fine against each of the three licensees for a total fine of \$1,500. The licensee sales associate, while under the supervision of a real estate broker and managing broker for a licensee firm, held a drawing for prizes wherein the display did not prominently and conspicuously reference the real estate broker and conducted real estate activities under the name of unlicensed companies. The managing broker licensee and the firm licensees failed to properly supervise the sales associate licensee.

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;” “[s]oliciting, selling, or offering real estate for sale by . . . conducting lotteries or contests, or offering prizes for the purpose of influencing a . . . prospective purchaser of real estate;” and “[d]isregarding or violating any . . . rules promulgated by the Commission.” *Id.* § 858-312(8), (9), (12). The Commission’s rules require all associate advertising to “include the name of the associate’s broker . . . in a way that the broker’s reference is prominent, conspicuous and easily identifiable,” OAC 605:10-9-4(b)(3), and that “all acts performed by the associate . . . be done only in the name of the associate’s broker,” OAC 605:10-11-1(a). In addition, the Commission’s rules constitute the “failure of a broker to properly supervise the activities of an associate” as “conduct which is untrustworthy, improper, fraudulent or dishonest.” OAC 605:10-17-4(6). The action seeks to enforce these requirements through the imposition of fines 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.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal line extending to the right from the end of the signature.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA