



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-135A

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

February 24, 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 C-2015-043. The proposed action is three fold. First, it seeks to impose fines on the managing broker licensee and the branch broker licensee of a business entity for failing to adequately supervise a sales associate and for failing to respond within a timely manner to a complaint. Secondly, the action will include an additional fine for the branch broker licensee for submitting a written response to the complaint that was made to appear to have been submitted one month prior to its actual submission date. Finally, the action will impose a fine on a sales associate who failed to provide a buyer with a cost estimate, identified the incorrect company name on a purchase agreement, and failed to submit a written response to the complaint. The proposed fines will total \$2,000.

Oklahoma law authorizes the Commission, upon good cause shown, to impose sanctions on licensees whose conduct "constitutes untrustworthy, improper, fraudulent, or dishonest dealings," and who "violat[e] any provision of the Oklahoma Real Estate Code or rules promulgated by the Commission" 59 O.S.2011, § 858-312(8), (9). Pursuant to Commission rules, "untrustworthy, improper, fraudulent, or dishonest dealings" include the "failure of a broker to properly supervise the activities of an associate," the failure of the licensee to inform buyers in writing of expected costs, "[a]ny conduct in a real estate transaction which demonstrates bad faith or incompetency," and "[k]nowingly providing false or misleading information to the Commission during the course of an investigation." OAC 605:10-17-4(6), (8), (12), (17). When a complaint is filed with the Board, licensees are required to file an adequate written response within fifteen days of the notice. OAC 605:10-17-2(b). The action seeks to enforce these regulations which maintain the integrity and professionalism of those entrusted with real estate transactions. The Commission may reasonably believe that modest fines are necessary to prevent future harm.

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 requiring professionalism and integrity among real estate licensees.

A handwritten signature in black ink, appearing to read "Mike Hunter". The signature is written in a cursive, somewhat stylized font.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA