



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-136A

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

March 1, 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 in Board case C-2015-073. The proposed action is to impose three separate administrative fines of \$500.00 against a real estate investment company and two agents of that company. The business entity and its agents allegedly failed to provide the Complainant with a copy of the executed listing documents, in spite of repeated requests for those listings.

As part of an agreement with the Commission, the Respondent company and both of the agents have agreed to pay an administrative fine of \$500 each and will not be required to acknowledge wrongdoing. Oklahoma law prohibits "any licensee" from "[f]ailing, within a reasonable time . . . to remit any . . . documents, or other property coming into possession of the licensee which belong to others." 59 O.S.2011, § 858-312(6). Likewise, pursuant to the Commission's rules, "[a] broker shall insure the timely delivery or return of all documents, items or monies to a party to a transaction wherein the broker or the broker's associate have provided services." OAC 605:10-13-1(i). The Commission is authorized under Oklahoma law to impose sanctions, upon good cause, on any licensee who disregards or violates any provision of the Oklahoma Real Estate License Code or the rules promulgated by the Commission. 59 O.S.2011, § 858-312(9). The Board may reasonably believe that the imposition of moderate administrative fines in this case is necessary to deter future violations of the Commission's rules regarding the remission of documents.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Real Estate Commission has adequate support for the conclusion that the imposition of fines in this action advances the State of Oklahoma's policy of protecting real estate consumers by ensuring that real estate licensees remit documents in a timely manner as required by law.

A handwritten signature in black ink that reads "Mike Hunter". The signature is written in a cursive, slightly slanted style.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA