



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-139A

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 with respect to Board case C-2016-091. The proposed action is to impose a \$500 fine against each of the three licensees for a total administrative fine of \$1,500.00. The licensee real estate associate, while under the supervision of the licensed real estate broker and managing broker for a licensee firm, advertised a contest for free Thunder basketball game tickets, which involved the taking of information to enter, such that the licensee could later use that information to influence entrants to purchase real estate. The managing broker licensee and the licensee firm 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). 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 moderate administrative fines that the Commission 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 "Mike Hunter". The signature is written in a cursive, flowing style with some stylized flourishes.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA