



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-508A

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

June 28, 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 UC-2015-003. The proposed action is to impose a \$1,000.00 fine each against both a broker proprietor licensee and a sales associate licensee, for a total administrative fine of \$2,000. The broker proprietor licensee was the sponsoring broker for the sales associate licensee and failed to ensure the sales associate licensee held an active real estate license. The sales associate licensee engaged in licensable real estate activities by handling several real estate transactions resulting in over \$18,000 of commissions being paid to the inactive sales associate licensee. Upon learning of the inactive sales associate license, the licensees immediately self-reported to the Commission and took steps to reactive the license.

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,” “[d]isregarding or violating any provision of the [Act] or rules promulgated by the Commission,” and “[p]aying any part of a fee, commission, or other valuable consideration received by a real estate licensee to any person not licensed.” *Id.* § 858-312(8),(9),(21). Under the Board’s rules, untrustworthy, improper, fraudulent, or dishonest dealings include “failure of a broker to properly supervise the activities of an associate” and “[f]ailure by a broker to ensure all persons performing real estate licensed activities under the broker are properly licensed.” OAC 605:10-17-4(6),(21). The Board may reasonably believe the imposition of administrative fines is necessary to 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.



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