



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-3A

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

January 3, 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 regarding Board case C-2015-006. The proposed action is to impose fines totaling \$2,000 on an individual licensee and an affiliated business entity licensee. As the property management broker for an apartment complex, the licensees failed to properly account for and transfer security deposit and rental income funds to the successor property management company.

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 includes situations where licensees “fail[], within a reasonable time, to account for or to remit any monies . . . which belong to others,” “violat[e] any provision of the Oklahoma Real Estate Code or rules promulgated by the Commission,” and “commingl[e] with the licensee’s own money or property the money or property of others.” *Id.* § 858-312(6), (9), (16). The Commission’s rules also require a broker to maintain accurate and complete records of all money transactions. OAC 605:10-13-1(k). The Commission may reasonably believe the licensees’ delay in transmitting the full amount of funds constitutes misconduct. The Commission may also reasonably believe that 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 this action advances the State of Oklahoma’s policy requiring professionalism and integrity among real estate licensees.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA