



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-1A

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-2014-055. The proposed action is to impose fines totaling \$2,000. The sales associate licensee failed to obtain an owner's permission before renting property to a tenant, failed to submit the collected rent to the broker, failed to include the appropriate broker disclosures in the lease agreement, and completed a lease transaction outside the supervision of a licensed broker.

The Oklahoma Real Estate Code authorizes the Commission to impose sanctions on licensees who "[f]ail[], within a reasonable time, to account for or to remit any monies . . . which belong to others" and whose conduct "constitutes untrustworthy, improper, fraudulent, or dishonest dealings," by "rent[ing] or leas[ing] [property] without the consent of the owner." 59 O.S.2011, § 858-312(6), (8), (11). In addition, the Code requires that specific "written disclosures . . . be confirmed by each party in writing in a separate provision incorporated in or attached to the contract to . . . lease . . . real estate." 59 O.S.Supp.2016, § 858-356. Commission rules further mandate that sales associates perform actions only in the associate broker's name. OAC 605:10-11-1(a). By imposing a moderate fine, this action enforces requirements that licensees manage properties as agreed, handle funds appropriately, and provide lease agreements that include the legally required disclosures. The Board may reasonably believe the disciplinary action is necessary to prevent 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 policies protecting against sales associate licensees practicing beyond their granted authority.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA