



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-702A

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

September 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 after notice and hearing in Board case C-2016-132. The proposed action is to impose a \$595 administrative fine against a licensed real estate broker / managing broker of a licensed corporation; requiring the licensed real estate broker / managing broker to successfully complete, within 6 months, 6 hours of continuing education on a topic to be determined by the Commission staff and in addition to the continuing education required by law; and to impose a \$595 administrative fine against the licensed corporation.

The licensed real estate broker is the managing broker of the licensed corporation. The licensed real estate broker / managing broker executed an exclusive listing agreement to sell a property in Oklahoma City, Oklahoma on October 12, 2016. The licensed real estate broker / managing broker did not receive a true and correct copy of the exclusive listing agreement executed, but received an altered copy of the listing agreement with changed terms and provisions. The real estate broker / managing broker could not explain the existence of 2 different listing agreements for 1 real estate transaction for which the real estate broker / managing broker was the exclusive listing agent.

The Oklahoma Real Estate Code, 59 O.S.2011 & Supp.2016, §§ 858-101 – 858-829, authorizes the Commission to, “upon [the] showing [of] good cause, impose sanctions” on licensees. 59 O.S.2011, § 858-312. Good cause for sanctions includes, but is not limited to, “conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings[.]” and “[d]isregarding or violating any provision of the Oklahoma Real Estate License Code or rules promulgated by the Commission[.]” *Id.* § 858-312(8-9). Under the Commission’s rules, “untrustworthy, improper, fraudulent or dishonest dealings” includes, but is not limited to, “[a]ny conduct in a real estate transaction which demonstrates bad faith or incompetency[.]” OAC 605:10-17-4(12). The sanctions the Commission is authorized to impose include, but are not limited to, “imposing administrative fines” and “requiring education in addition to the educational requirements provided by [the Oklahoma Real Estate Code.]” *Id.* § 858-208(6)(c), (f). The action seeks to enforce these requirements through the imposition of moderate administrative fines and additional

continuing education. The Board may reasonably believe this 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.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN  
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL