

**PRESS RELEASE**  
**June 23, 2008**

**Oklahoma Real Estate Commission Investigates and Recovers  
Commissions Earned from Those Who Perform Licensed Real  
Estate Activities without a Real Estate Broker License**

OKLAHOMA CITY – The Oklahoma Real Estate Commission has had the authority to investigate persons who perform licensed activities without a real estate license since November 1, 2004. Numerous cases have been opened and the Commission has been successful in prosecuting these individuals and recovering the commissions earned by the unlicensed persons and/or entities. The Commission has the authority to impose a fine of \$5,000 or the amount of commission earned, whichever is greater.

Commission Executive Director Anne Woody states “in order to perform real estate licensed activities with the intent of being compensated, that person must possess a real estate broker license. Real estate licensed activities include, but are not limited to:

- Soliciting for purchasers, sellers, or tenants or prospective purchasers, sellers, or tenants of real estate;
- Negotiating or attempting to negotiate a real estate transaction for sale, lease, rent, or exchange;
- Listing real property for sale (residential, commercial, agricultural, farm & ranch, etc.);
- Showing or offering for sale or lease real property;
- Entering into a property management agreement with the owner of real property;
- Renting vacation site property;
- Soliciting listings of places for rent or lease; or
- Advertising or holding oneself out as engaged in such activities.

Only a real estate broker is allowed to enter into a brokerage agreement with a consumer; however, a sales or broker associate who is licensed and sponsored by the broker is authorized to enter into agreements with a consumer, but only in the name of their sponsoring broker. Further, sales associates and broker associates are prohibited from receiving compensation in connection with the transaction except through their sponsoring broker. If an owner desires to sell or lease their own real property they are exempt from licensing if their name

appears on the deed. Another exemption to licensing is if a person is a salaried employee, as defined by IRS, of the owner (whose name appears on the deed) and in the regular course of their employment the person sells or leases property for the owner.

The Commission has recently been informed licensees from other states are entering Oklahoma with their clients, and showing and negotiating for Oklahoma property without the broker or associate being properly licensed in Oklahoma – an out-of-state licensee must obtain a nonresident Oklahoma license prior to performing licensed activity in the State of Oklahoma, such as showing and negotiating for Oklahoma property.

If a consumer works with a person who is unlicensed and that person performs licensable activities, certain protections afforded consumers under Oklahoma law will not be available.”

The Commission suggests that the consumer check to see if the person they are working with is properly licensed by going to [www.orec.ok.gov](http://www.orec.ok.gov), and clicking on “Real Estate Licensee Search” in the right margin. Real estate brokers are also encouraged to use the “licensee search” to see if the person they are co-brokering with is properly licensed. If assistance is needed in using this site, please contact the Oklahoma Real Estate Commission at 405-521-3387 or toll free 1-866-521-3389.

Please contact the Commission’s Investigative Division to report persons who are performing licensed real estate activities without a license at [www.orec.help@orec.ok.gov](mailto:www.orec.help@orec.ok.gov), by contacting the Commission at 2401 N.W. 23<sup>rd</sup> Street, Suite 18, Oklahoma City, Oklahoma 73107 or by calling the Commission.