



TRAINING TIP OF THE WEEK

USE OF PERSONAL ASSISTANTS

In order to employ an unlicensed individual to provide assistance in connection with real estate transactions, a licensee must:

ADMINISTRATIVE CODE R162-2f-401g – USE OF PERSONAL ASSISTANTS

- (1) obtain the permission of the licensee's principal broker before employing the individual;
- (2) supervise the assistant to ensure that the duties of an unlicensed assistant are limited to those that do not require a real estate license, including the following:
 - (a) performing clerical duties, including making appointments for prospects to meet with real estate licensees, but only if the contact is initiated by the prospect and not by the unlicensed assistant;
 - (b) at an open house, distributing preprinted literature written by a licensee, where a licensee is present and the unlicensed person provides no additional information concerning the property or financing, and does not become involved in negotiating, offering, selling or completing contracts;
 - (c) acting only as a courier service in delivering documents, picking up keys, or similar services, so long as the courier does not engage in any discussion or completion of forms or documents;
 - (d) placing brokerage signs on listed properties;
 - (e) having keys made for listed properties; and
 - (f) securing public records from a county recorder's office, zoning office, sewer district, water district, or similar entity;
- (3) compensate a personal assistant at a predetermined rate that is not:
 - (a) contingent upon the occurrence of real estate transactions; or
 - (b) determined through commission sharing or fee splitting; and
- (4) prohibit the assistant from engaging in telephone solicitation or other activity calculated to result in securing prospects for real estate transactions, except as provided in this Subsection (2)(a).

ATTENTION BROKERS... You have a supervisory responsibility for the supervision of both licensed and unlicensed individuals. In administrative rule 61-2f-401, Grounds for Disciplinary Action provides that it is “unlawful for a principal broker or a branch broker to fail to exercise reasonable supervision over the activities of the principal broker’s or branch broker’s licensed or unlicensed staff. Failing to exercise reasonable supervision is grounds for disciplinary action. On a precautionary note, the Division does not know how a principal broker can adequately and reasonably supervise an individual that is not associated with the principal broker’s office. An unlicensed individual is limited in the activities that they may engage in. An unlicensed individual would have to be compensated at a predetermined rate that is not contingent upon the transaction closing or through commission sharing or fee splitting.

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