

Kansas Real Estate Commission Guidelines on Activities by Unlicensed Personnel

The following guidelines have been prepared in response to inquiries regarding the use of unlicensed personnel to perform certain tasks. While the guidelines address many of the situations faced by real estate licensees and their unlicensed co-workers in daily practice, they are not intended to apply universally in all circumstances. Brokers are advised to consult their attorneys when in doubt.

Unlicensed personnel employed in a real estate office may:

- Answer the phone and forward calls to a licensee.
- Submit listings and changes to a multiple listing service if the listings or changes are based upon data compiled and provided by a licensed broker or salesperson.
- Follow up on loan commitments after a contract has been negotiated.
- Assist a broker or salesperson in assembling documents for closings.
- Secure documents (public information) from courthouse, sewer district, water district, etc.
- Have keys made for company listings. Place “for sale” signs on property at the direction of a broker or salesperson with the firm.
- Write ads and prepare flyers and promotional information for approval by licensee and supervising broker and place advertising.
- Type offers, contracts and leases from drafts prepared by a broker or salesperson with the firm.
- Monitor licenses and personnel files. Compute commission checks.
- Maintain trust account records under the supervision of the broker. (The broker remains responsible for compliance with the license act and regulations.)
- Order items of routine repair as directed by a licensee with the firm.
- Act as courier service to deliver or pick up documents, keys, etc.
- Measure house under supervision of licensee. (The licensee and supervising broker remain responsible for accuracy of measurements.)
- Schedule appointments for a licensee to show listed property.
- Furnish publicly available information on the listings of the employing brokerage to real estate licensees affiliated with other brokerage firms and members of the public upon an inquiry about a particular property. Such unlicensed persons **MAY NOT** explain or interpret any information displayed on the advertisements or listing sheets of the property listings.
- Host open houses for licensees if serving strictly as a monitoring host. Greet prospective buyers and hand them printed information prepared by the builder, owner or licensee. **MAY NOT** explain or interpret information, discuss or make representations about the terms of sale, the home or property, or solicit new listings or new clients. **ALL** questions must be referred to the owner or a licensee.*

* **NOTE:** The commission does not recommend that unlicensed individuals host open houses; however, within very narrow restrictions, the activity is permissible under the license act and is therefore included in this list. Brokers who choose to allow an unlicensed person to host an open house are strongly urged to closely monitor such activity. If the unlicensed person goes beyond what is permissible, the broker remains responsible.

Unlicensed personnel may not:

- May not conduct any activities that require a license under K.S.A. 58-3035(f) including, but not limited to, negotiating contracts and leases on behalf of a licensee.
- Explain or interpret information concerning properties listed with the firm, except to confirm that the property is listed, identify the listing broker or salesperson and furnish publicly available information on the listings of the employing brokerage to real estate licensees affiliated with other brokerage firms and members of the public upon an inquiry about a particular property.
- Show property.
- Discuss anything related to the property or related to its purchase, except to confirm the property is listed, identify the listing broker or salesperson and furnish publicly available information on the listings of

the employing brokerage to real estate licensees affiliated with other brokerage firms and members of the public upon an inquiry about a particular property.

- Discuss or explain a contract, listing, lease agreement or other real estate document with anyone outside the firm.
- Negotiate or agree to any commission, commission split, or referral fee on behalf of a licensee.
- A licensee may not, as a personal assistant for another licensee or as a secretary/employee, perform any activity which requires a license while licensed with another firm.

(Original version published in August 1992 KREC Newsletter; rev. 11/10/11)