

Short Title: Unlicensed Assistants

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under ARS 41-1033 for a review of the statement.

Description of Practice/Procedure: In looking at the issue of unlicensed assistants, various aspects must be considered, including what activities the individual will perform and how the individual is paid.

If an unlicensed assistant is paid on any basis that relies on the ultimate sale of a property, then that person **must** be licensed.

An unlicensed assistant in the employ of a licensed real estate broker may:

- Perform telephone duties, to include calls to:
 - 1) collect demographic information
 - 2) solicit interest in engaging the services of a licensee or brokerage
 - 3) set or confirm appointments (with no other discussion) for:
 - A licensee to list or show property
 - A buyer with a loan officer
 - A property inspector to inspect a home
 - A repair/maintenance person to perform repairs/maintenance
 - An appraiser to appraise property
 - 4) mortgage and/or title companies to track the status of a file, check daily interest rates and points, whether buyer has been qualified, confirm closing appointment for licensee, and so forth
- Assist a licensee at an open house
- Unlock a home for a licensee so that licensee can show a buyer the property or preview the property (no discussion about the property).
- Deliver documents (as a mail or delivery service only)

Unlicensed Assistants

Page 2

An unlicensed assistant *shall not* perform the following activities:

- Hold/host an open house without an agent being present
- Perform a walk-through inspection
- Answer questions relating to a transactional document
- Give instructions to inspectors, appraisers or maintenance/repair people. Because these instructions are part of the licensee's regular duties and there is a direct relationship to the (potential) transaction, a license is required in order to give instructions to inspectors appraisers or repair/maintenance people

Authority: A.R.S. § 32-2101(46) defines the activities of a real estate broker, for which licensure is required pursuant to A.R.S. § 32-2122. See also A.R.S. § 32-2121.

Policy Program: Enforcement

Effective Date: Revised April 3, 2000; Revised & Renumbered 5/28/04; Renumbered 4/01/05.