

**State Statutes and Regulations for Unlicensed Assistants
As of September 11, 2017**

State	Citation	Legal/Regulatory or Other Action	
AL	Ala. Code § 34-27-2; 34-27-30; and Ala. Real Estate Commission Rule 790-X-1-.04	Statute; and AL Real Estate Commission Rule	<p>Alabama law states that unlicensed persons in Alabama may only perform general clerical or administrative duties for the licensed broker. The following is a partial list of some common activities which may be performed without a license:</p> <ol style="list-style-type: none"> 1. Answer the telephone, forward calls, take messages, and make appointments for licensees 2. Send listing information to a multiple listing service, filling out the necessary forms. 3. Deliver information and forms to a mortgage company and closing attorney or agent as part of the preparation for closing. 4. Make and deliver copies of any public record. 5. Get keys from a client/owner and have keys made. 6. Write and place advertising in newspaper and other forms of publication. 7. Receive and deposit funds to be held in trust for others including earnest money, security deposits, and rental payments. 8. Type forms. 9. Perform company bookkeeping. 10. Place signs on property. 11. Arrange for and oversee repairs. 12. Make rental collection calls to tenants. 13. Answer questions about a property as long as the answers are available in some pre-printed form. 14. Give a key to a prospect. <p>An unlicensed person may not:</p> <ol style="list-style-type: none"> 1. Prepare or discuss a listing or property management agreement with an owner. 2. Show any property or be at an open house for any purpose. 3. Drive or accompany a prospect to a property. 4. Negotiate or discuss the terms of a sale or rental. 5. Procure or assist in procuring of prospects for the purpose of the sale, exchange, lease, or rental of real estate. 6. Prepare or have a prospect sign an offer to purchase or lease. 7. Present an offer to an owner.
AK	AK ST 08.88, 08.88.161, .165, .900; and Alaska Administrative Code 12 AAC 64.095	Statute; and State Admin. Code	<p>A real estate licensee may employ an unlicensed person to perform administrative, bookkeeping, clerical, and maintenance tasks related to real estate for which a real estate license is not required under AS 08.88 and this chapter, including:</p> <ol style="list-style-type: none"> 1. to answer the phone, take messages, and forward calls to the licensee; 2. to schedule appointments for the licensee; activities allowed under this paragraph do not include telephonic solicitation, or soliciting business on behalf of the licensee; 3. to obtain public information from a courthouse, municipality, or other source of public information;

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			<ol style="list-style-type: none"> 4. to place or remove signs on property; 5. to input data for listings and changes to a multiple listing service as approved by the licensee; 6. to have keys made for property listed by the licensee; 7. to unlock a property so that it may be viewed or shown by a licensee, remain during the viewing or showing, and relock the property; 8. to draft advertising copy, promotional materials, and correspondence for approval by the licensee; 9. to place advertising; 10. to act as a courier; 11. to fill in contract forms with business and factual information as directed by the licensee; 12. to witness signatures; 13. to assemble file documents; 14. to follow up on a transaction after a contract has been signed by arranging access to property for an appraiser, contractor, inspector, or other service provider as needed; 15. to record and deposit trust funds, including transaction deposits, security deposits, and rents; 16. to compute commission checks; 17. to monitor licenses and personnel files; 18. to perform office filing; 19. to order items needed for routine repair; 20. to perform or supervise maintenance, repair, or building trades work, and answer questions about that work; and 21. to provide security services. <p>A real estate licensee may not employ an unlicensed person to perform any of the activities in AS 08.88.161, including one or more of the following:</p> <ol style="list-style-type: none"> 1. hosting an open house, kiosk, or home show booth; 2. assist in or direct the procuring of prospective buyers and sellers of real estate; 3. communicate with prospective buyers and sellers of real estate; 4. assist in the negotiation of a transaction that results or is calculated to result in the sale, exchange, rent, lease, auction, or purchase of real estate, 5. showing a property; 6. explaining or interpreting: <ol style="list-style-type: none"> a. a contract of purchase and sale; or b. a listing contract or property management contract, or any other form of service agreement. 7. hold out to the public as being engaged in the business of doing any of the activities listed, or attempt or offer to do any of the things listed in this section.
AZ	A.R.S. § 32-2101, 2121, 2122; and AZ Dept. of Real Estate's	Statute and advisory policy statement (Revised in 2005)	<p>This law states that unlicensed assistants in Arizona may only perform the following:</p> <ol style="list-style-type: none"> 1. Perform telephone duties, including calls to:

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	<p>Substantive Policy Statement No. 2005.04 (advisory only)</p>		<ul style="list-style-type: none"> a. Collect general demographic information; b. Solicit interest in engaging the services of a licensee or brokerage; c. Set or confirm appointments (with no other discussion) for: <ul style="list-style-type: none"> i. A licensee to list or show property; ii. A buyer with a loan officer; iii. A property inspector to inspect a home; iv. A repair/maintenance person to perform repairs/maintenance; and/or v. An appraiser to appraise property. d. 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. <ol style="list-style-type: none"> 2. Assist a licensee at an open house; 3. Unlock a home for a licensee so that licensee can show a buyer the property or preview the property (no discussion about the property); 4. Deliver documents, as a mail or delivery service only. <p>Activities an unlicensed assistant in the broker's employ may not perform:</p> <ol style="list-style-type: none"> 1. Hold / host an open house without an agent being present; 2. Perform a walk-through inspection; 3. Answer questions relating to a transaction document; 4. Give instructions to inspectors, appraisers or maintenance / repair people, which are part of a licensee's regular duties and have a direct relationship to the (potential) transaction.
<p>AR</p>	<p>A.C.A. § 17-42-104, 311</p>	<p>Statute</p>	<p>Arkansas law states that unlicensed assistants may be employed only at a salaried or hourly rate for or on behalf of a licensed principal broker.</p> <p>Unlicensed assistants may perform only one (1) or more of the following functions:</p> <ol style="list-style-type: none"> 1. Delivering a lease application, lease, or an amendment to a lease application or least to any person; 2. Receiving a lease application, lease, or an amendment to a lease application for delivery to the principal broker, real estate firm, or owner; 3. Receiving a security deposit, rental payment, or any related payment for delivery to and made payable to the principal broker, real estate firm, or owner; 4. Acting under the direct written instructions of the principal broker, real estate firm, or owner: <ul style="list-style-type: none"> a. Showing a rental unit to any person; or

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			<p>b. Assisting in the execution of a preprinted lease or rental agreement containing terms established by the principal broker, real estate firm, or owner; or</p> <p>5. Conveying information prepared by the principal broker, real estate firm, or owner about a lease application, lease, the status of a security deposit, or the payment of rent to or from any person</p> <p>6. Unlicensed personnel may not engage in or offer to perform any practice, act, or operation performed by principal brokers.</p>
CA	N/A	Guidelines (formal action)	<p>The California Department of Real Estate (DRE) promulgated guidelines on what unlicensed assistants may and may not do. The guidelines provide a safe harbor such that voluntary compliance will not subject licensees to DRE challenge. (Winter 1993 bulletin)</p> <p>Under the guidelines, unlicensed assistants may not do the following:</p> <ol style="list-style-type: none"> 1. Show or exhibit property 2. Discuss terms or conditions of a possible sale 3. Discuss other features of the property such as location, neighborhood, schools 4. Engage in other conduct which "is used, designed, or structured for solicitation purposes..." 5. Attempt to induce the prospective client to use the services of the broker regarding a specific property, transaction, or products during cold calls 6. Give any Multiple Listing Service (MLS) information to the public 7. Provide information about a property unless obtained from a data sheet prepared by a licensee or a principal and that fact is revealed to the person requesting the information 8. Discuss the content, relevance, importance, or significance of the documents or instruments being prepared, delivered, or signed with a principal or service provider
CO	N/A	Position (formal action)	<p>The Colorado Real Estate Commission has published a "Position Statement" on the use of personal assistants directed generally at the issues of those activities requiring a license and the supervisory responsibilities of the employing broker for the activities of real estate assistants. (Revised on Oct. 2012)</p> <p>According to the position, unlicensed assistants may not do the following:</p> <ol style="list-style-type: none"> 1. Negotiate, list, or sell real property 2. Prepare legal documents such as listing and sales contracts 3. Offer opinions, advice, or interpretations 4. Disseminate or distribute information on listed properties other than that prepared by the employing broker or salesperson
CT	N/A	Policy (formal)	<p>The Connecticut Real Estate Commission has issued a formal policy on the use of unlicensed personnel by licensees. (published in Oct. 2014)</p> <p>According to the policy, unlicensed assistants may not perform the following activities:</p>

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D.C.	D.C. Code § 47-2853.181	Statute	<p>According to these regulations, an assistant can:</p> <ol style="list-style-type: none"> 1. Undertake office tasks, such as: phone call making, answering, forwarding and message taking, e-mail sending and reading, scheduling meetings and showing tours, typing documents, keeping track of transactions and loan commitments, etc. 2. Ordering key duplicates and any services of maintenance or repair the licensee considers necessary for the properties you are handling. 3. Ensuring the smooth exchange of documents between the licensee and potential clients. 4. Helping the licensee organize and host open house presentations. 5. Come up with proposals and ideas for advertising materials, preparing them after approval and distribute them. <p>An unlicensed real estate assistant in Washington, D.C. cannot:</p> <ol style="list-style-type: none"> 1. Show potential buyers around the property. 2. Talk about the property or the sales or rent terms with potential buyers, the only information he or she can provide being that already published or approved by the licensee. 3. Express opinions or advise potential clients how to proceed in their negotiations with the licensee or negotiate the terms with potential clients on behalf of the licensee. 4. Receive commissions on the transactions closed by the licensee.
DE	Del. Code Regs. Title10, §528 - XIII	Rule	It states that only a licensee may host an open house or otherwise show a property listed with a broker for sale, lease, or exchange.

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			Such licensee may be assisted by an unlicensed person provided a licensee is on site.
FL	N/A	FREC Policy (formal action)	<p>The Florida Real Estate Commission has developed a policy on the kinds of activities that are permissible for an unlicensed assistant to perform. (Revised on Sept. 2009)</p> <p>Permissible Activities of an Unlicensed Assistant:</p> <ol style="list-style-type: none"> 1. Fill out and submit listings and changes to any multiple listing service 2. Follow-up on loan commitments after a contract has been negotiated and generally secure the status reports on the loan progress 3. Assemble documents for closing 4. Secure documents (public information) from courthouse, utility district, etc. 5. Have keys made for company listings, order surveys, termite inspections, home inspections and home warranties with the licensed employer's approval 6. Write ads for approval of the licensee and the supervising broker, and place advertising (newspaper ads, update web sites, etc); prepare flyers and promotional information for approval by licensee and the supervising broker 7. Receive, record and deposit earnest money, security deposits and advance rents 8. Only type the contract forms for approval by licensee and supervising broker 9. Compute commission checks 10. Place signs on property 11. Order items of repair as directed by licensee 12. Prepare flyers and promotional information for approval by licensee and supervising broker 13. Act as a courier service to deliver documents, pick-up keys 14. Place routine telephone calls on late rent payments 15. Schedule appointments for licensee to show a listed property 16. Be at an open house for: <ul style="list-style-type: none"> • Security purposes • Hand out materials (brochures) 17. Answer questions concerning a listing from which the answer must be obtained from the licensed employer-approved printed information and is objective in nature (not subjective comments) 18. Gather information for a Comparative Market Analysis 19. Gather information for an appraisal 20. Hand out objective, written information on a listing or rental <p>Unlicensed assistants may not:</p> <ol style="list-style-type: none"> 1. Auction or attempt to auction real property of another for compensation;

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			<ol style="list-style-type: none"> 2. Advertise or attempt to advertise real property of another for compensation; 3. Undertake to list or sell one or more timeshare periods per year on behalf of another individual or entity for compensation.
GA	Ga. Comp. R. & Regs. r. 520-1-.07	Rule	<p>The Georgia Real Estate Commission has identified the following tasks that unlicensed support personnel may perform:</p> <ol style="list-style-type: none"> 1. Answer the phone, forward calls to the licensee; 2. Submit data in listings to a MLS; 3. Follow up on loan commitments after the negotiation of the contract; 4. Gather the necessary documents for a closing; 5. Secure public information documents from a courthouse or other public sources; 6. Have keys made for listings; 7. Install or remove lock boxes from listings; 8. Create ads and promotional materials that are to be approved by the licensee; 9. Place ads in newspapers, magazines and other publications as instructed by the real estate agent; 10. Receive, record and make deposits – security deposits, earnest money, advance rents; 11. Fill in contract forms following the instructions of the licensee; 12. Monitor license reports and personnel files; 13. Compute commission checks; 14. Place and remove signs on/from properties; 15. Order routine repair works as instructed by the agents; 16. Pick up and deliver documents and keys; 17. Schedule appointments on behalf of the licensee; 18. Schedule inspections on properties; 19. Schedule the dates for the mortgage application, the walkthrough before closing and the closing; 20. Schedule an open house; 21. Attend an open house with the purpose of offering security services; 22. Perform maintenance works on properties. <p>The Commission has identified the following tasks as some of the activities that unlicensed support personnel shall not perform:</p> <ol style="list-style-type: none"> 1. Make cold calls or otherwise contact the public for the purpose of securing prospects for listings, leasing, sales, exchanges, or property management of real estate 2. Host open houses, kiosks, home show booths, or fairs 3. Prepare promotional materials/advertisements without the review and approval of an affiliated licensee and firm 4. Show real estate

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HI	N/A	Guidelines (informal action)	<p>The Hawaii Real Estate Commission published an article in February 2006 setting forth its position on the permissible and impermissible activities of unlicensed assistants.</p> <p>According to the Commission, an unlicensed assistant may not do the following:</p> <ol style="list-style-type: none"> 1. Show properties to potential clients or tenants 2. Engage in any real estate negotiations with clients 3. Answer questions or provide information beyond what may be written in fact sheets approved by the principal broker regarding specific properties 4. Sign any real estate transaction documents 5. Manage properties for more than a single owner
ID	N/A	Published Guidelines	<p>The Idaho Real Estate Commission published guidelines on the use of unlicensed assistants and office staff in July 2015. The guidelines state that foremost to the use of personal assistants is careful restriction of their activities so as to avoid illegal brokerage practice. The license law of Idaho prohibits unlicensed persons from negotiating, listing or selling real property. Other prohibited activities are:</p> <ol style="list-style-type: none"> 1. Independently drafting legal documents such as listing and sales contracts 2. Offering opinions, advice or interpretations on the real property 3. Distributing information on listed properties other than that prepared by the employing broker 4. Showings of real property to potential buyers <p>Activities that unlicensed assistants may perform are:</p> <ol style="list-style-type: none"> 1. Clerical duties which may include the gathering of information for a listing 2. Providing access to a property other than showings to potential buyers 3. Hand out preprinted, objective information, so long as no negotiating, offering, selling, or contracting is involved

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			<ol style="list-style-type: none"> 4. Deliver paperwork to other brokers, sellers, or purchasers, if such paperwork has already been reviewed by the broker 5. Prepare market analyses for sellers or buyers on behalf of a broker, but with disclosure of the name of the preparer given
IL	68 Ill. Adm. Code 1450.740; (Real Estate License Act of 2000) 225 Illinois Comp. Stat. 454/ 5-20	Rule	<p>The Illinois Department of Financial and Professional Regulation enacted 68 Ill. Adm. Code 1450. 740 to clarify permissible and impermissible activities of real estate assistants under the Real Estate License Act of 2000. Under the IL rule, an unlicensed assistant may not do the following:</p> <ol style="list-style-type: none"> 1. Host open houses, kiosks, or home show booths or fairs 2. Show property 3. Interpret information on listings, titles, financing, contracts, closings, or other information relating to a transaction 4. Explain or interpret a contract, listing, lease agreement, or other real estate document with anyone outside the licensee’s firm 5. Negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee 6. Perform any other activity for which a license is required under the act
IN	876 Indiana Admin. Code § 8-1-7; Indiana Code §§ 25-34.1-3-2	Rule	<p>The Indiana Real Estate Commission states that licensees may not allow an unlicensed assistant to perform any act that would require licensure under the Indiana law. The rule outlines that unlicensed assistants may not do the following:</p> <ol style="list-style-type: none"> 1. Prepare promotional materials or advertisements without the review and approval of a supervising licensee 2. Show real property 3. Answer questions about listings other than those concerning list price, address, or geographic directions 4. Discuss or explain a contract, listing, lease, agreement, or other real estate document with any broker or salesperson outside the licensee’s firm or with any potential client or customer 5. Conduct open houses 6. Conduct telemarketing or telephone canvassing to schedule appointments in order to seek listings 7. Negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee
IA	Iowa Admin. Code 193E-7.13	Rule	<p>This rule identifies certain tasks that unlicensed support personnel under the direct supervision of a licensee may not perform. The Prohibited activities include, but are not limited to, the following:</p>

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KS	Kan.Stat. Ann.§58-3062	Statute	<p>The Kansas Real Estate Commission published an article in its quarterly newsletter that provides guidance about what unlicensed personal assistants may and may not do. The article indicates that it was adapted from similar articles published by the Missouri and North Carolina real estate commissions. (Revised on Nov. 2011)</p> <p>Unlicensed assistants in Kansas may not do the following:</p> <ol style="list-style-type: none"> 1. Answer questions concerning properties listed with the firm, except to confirm that the property is listed and to identify the listing broker or salesperson 2. Show property and discuss anything related to the property or related to its purchase 3. Discuss or explain a contract, listing, lease agreement, or other real estate document with anyone outside the firm

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			<p>4. Negotiate or agree to any commission, commission split, or referral fee on behalf of a licensee</p>
KY	201 KAR 11:440	Rule	<p>The Kentucky Real Estate Commission has regulations providing guidance on the permissible and impermissible activities of unlicensed personnel such as real estate assistants.</p> <p>Personal assistants, office workers, or clerical workers may not do the following:</p> <ol style="list-style-type: none"> 1. Negotiate terms of a real estate transaction or real estate brokerage agreement 2. Complete offers or contracts relative to a real estate transaction 3. Disclose information that is available to a real estate licensee but is not available to the general public 4. Attend a real estate closing 5. Access information which requires membership in an industry trade group when the supervising licensee is not a member of the industry trade group 6. Write or place advertisements without review by a license 7. Express material opinions on any aspect of a real estate transaction to anyone other than the supervising licensee 8. Interpret real estate contractual terminology for others 9. Shows real estate to buyers without the licensee broker present
LA	N/A	Article	<p>The Louisiana Real Estate Commission has published an article providing guidance on the permissible and impermissible activities of unlicensed personnel such as real estate assistants. (Published on Mar. 2009)</p> <p>Under the article, personal assistants may not do the following:</p> <ol style="list-style-type: none"> 1. Host open houses 2. Prepare promotional materials or ads without the review and approval of licensee and supervising broker 3. Show property listed for sale 4. Answer any questions on listings 5. Discuss or explain a contract, listing, or other real estate document with anyone outside the firm 6. Work as a licensee/secretary in one firm and do real estate-related activities with that firm, while licensed with another firm 7. Be paid on the basis of real estate activity, such as a percentage of commission, or any amount based on listings, sales, etc. 8. Negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee

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MD	N/A	MREC Guidelines	<p>The Maryland Real Estate Commission issued guidelines on the permissible and impermissible activities of unlicensed assistants.</p> <ol style="list-style-type: none"> 1. An unlicensed personal assistant may perform the following activities: 2. Answer the telephone and forward calls to a licensee 3. Submit listings and changes to a Multiple Listing Service (MLS) 4. Follow up on loan commitments after a contract has been negotiated 5. Assemble documents for closing 6. Secure documents (public information) from courthouse, public utilities, etc. 7. Have keys made for company listings 8. Write and place ads for approval of licensee and supervising broker 9. Type contract forms at the direction of and for approval by licensee and supervising broker 10. Compute commission checks 11. Place signs on property 12. Arrange the date and time of home, termite, and well/septic inspection, mortgage application, pre-settlement walk-through and settlement 13. Prepare flyers and promotional information for approval by licensee and supervising broker 14. Act as courier service to deliver documents, pick up keys, etc. 15. Schedule an open house 16. Schedule appointments for licensee to show listed property 17. Accompany a licensee to an open house or showing for security purposes or to hand out preprinted materials <p>An unlicensed personal assistant may not perform any of the following acts or provide any of the following services:</p> <ol style="list-style-type: none"> 1. Prepare promotional material or ads without the review and approval of the licensee and supervising broker 2. Show property 3. Answer any questions on listings, title, financing, closing, etc. 4. Discuss or explain a contract, listing, lease, agreement, or other real estate document with anyone outside the brokerage 5. Be paid on the basis of real estate activity, such as a percentage of commission, or any amount based on listings, sales, etc. 6. Negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee 7. Discuss the attributes or amenities of a property, under any circumstances, with a prospective purchaser or lessee
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			<ol style="list-style-type: none"> 8. Discuss, with the owner of real property, the terms and conditions of the real property offered for sale or lease 9. Collect, receive, or hold deposit monies, rent, or other monies or anything of value received from the owner of the real property or from a prospective purchaser or lessee 10. Provide owners of real property or prospective purchasers or lessees with any advice, recommendations, or suggestions as to the sale, purchase, exchange, or leasing of real property to be listed or presently available for sale or lease 11. Hold himself or herself out in any manner, orally or in writing, as being licensed or affiliated with a particular company or real estate broker as a licensee
MA	N/A	Guidelines	<p>The Massachusetts Division of Consumer Affairs and Business Regulation put forth guidelines on the use of unlicensed assistants by real estate brokers/salespersons. The Division advises that unlicensed assistants should avoid activities that will bring them into direct contact with clients and customers.</p> <p>Impermissible tasks by unlicensed assistants include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Do listing presentations 2. Write contracts, or purchase offers 3. Show houses 4. Call for feedback from co-brokers after showing 5. Service listing 6. Preview houses for prospective buyers 7. Contact buyers and sellers in follow-up function 8. Attend closings or property walk-throughs 9. Conduct Open Houses 10. Attend or Conduct Broker Open Houses
MI	N/A	Guidelines (formal action)	<p>The Michigan Bureau of Professional Regulation (BOPR) explored the issues and options for resolution and to consider possible changes in the administrative rules. MAR has also published two articles (one of which was approved by the Licensing Administrator for real estate) on the subject of "Do's and Don'ts for unlicensed assistants." (Updated on May 2012)</p> <p>According to the BOPR, unlicensed assistants may not do the following:</p> <ol style="list-style-type: none"> 1. Independently show property to prospects 2. Solicit listings or other business through use of a telephone 3. Hold open houses for REALTORS® 4. Answer any questions relating to title insurance, financing, or closing 5. Provide information to the public in addition to any information set forth in printed and prepared written promotional material that has been distributed to the public

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MN	Minn. Stat. § 82.73	Regulation and Article	<p>The Minnesota Association of REALTORS® is engaged in ongoing correspondence and communication with the Minnesota Department of Commerce and several other state agencies regarding the nature of the relationship between real estate brokers, salespeople, and licensed real estate assistants. The Real Estate Commission has also published an article on the permissible activities of unlicensed assistants, although the Minnesota licensing statute narrowly restricts the activities of unlicensed persons.</p> <p>An article by the Commission states that unlicensed assistants:</p> <ol style="list-style-type: none"> 1. May assist in hosting an open house, but may not answer any questions concerning the property, the price, or terms 2. May be hired for cold calling or surveying but must abide by the following: <ul style="list-style-type: none"> – disclosing that they are calling on behalf of salespersons or brokers, but that they are not themselves licensed; also must identify broker with whom affiliated – restricting their inquiry to whether the person would be interested in having a licensee contact them about their real estate needs; emphasis must be on contact with licensee, not property needs – not discussing price, terms, financing, etc. – being compensated on an hourly, flat fee or salary basis 3. May not disclose any information regarding a listed property except to state the address of the property and whether it is available for sale or lease
MS	N/A	Guidelines	<p>The Mississippi Real Estate Commission published a guideline of activities that may not be conducted by an unlicensed assistant to a licensee.</p> <p>Unlicensed Assistants may not:</p> <ol style="list-style-type: none"> 1. Independently show properties that are for rent or sale. 2. Host an open house, kiosk, home show booth, fair, or hand out materials at such functions UNLESS a licensee is present at all times. 3. Preview, inspect, or determine (measure) the square footage of any property unless accompanied by a licensee. 4. Prepare promotional materials or advertising without the review and approval of a licensee and the principal broker. 5. Negotiate, discuss or explain a contract, listing, lease or any other real estate document with anyone outside the brokerage firm.

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			<ol style="list-style-type: none"> 6. Answer questions concerning properties listed with the firm, EXCEPT to confirm that a property is listed, to identify the listing broker or sales agent, and to provide such information as would normally appear in a simple, classified newspaper advertisement (location and/or address). 7. Negotiate the amount of rent, security deposit, or other lease provisions in connection with rental property. 8. Open properties for viewing by prospective purchasers, appraisers, home inspectors, or other professionals. 9. Attend pre-closing walk-through or real estate closings unless accompanied by a licensee. 10. Place calls that would require a license such as cold calling, soliciting listings, contacting sellers, buyers or tenants in person or by phone, contacting expired listings, placing marketing calls, or extending open house invitations. 11. Represent themselves as being a licensee or as being engaged in the business of buying, selling, exchanging, renting, leasing, managing, auctioning, or dealing with options on any real estate or the improvement thereon for others.
MO	M.R.S. § 339.010; 20 CSR 2250-8.010	Rule	<p>The Missouri Real Estate Commission issued a rule setting forth its position on the permissible and impermissible activities of unlicensed assistants. (June 2011)</p> <p>According to the Commission, an unlicensed assistant may not do the following:</p> <ol style="list-style-type: none"> 1. Host open houses, kiosks, home show booths or fairs, or hand out materials 2. Prepare promotional materials or ads without the review and approval of licensee and supervising broker 3. Show property 4. Answer any questions on listings, title, financing, closing, etc. 5. Discuss or explain a contract, listing, lease, agreement, or other real estate document with anyone outside the firm 6. Work as a licensee/secretary in one firm and do real estate-related activities with that firm, while licensed with another firm 7. Be paid on the basis of real estate activity, such as a percentage of commission, or any amount based on listings, sales, etc. 8. Negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee
MT	N/A	Guidelines (formal action)	<p>The Montana Board of Realty Regulation has created a list of activities that cannot be conducted by an unlicensed personal assistant. The list is not exhaustive and is intended to be a guideline only.</p> <p>The guidelines state that unlicensed assistants may not do the following:</p> <ol style="list-style-type: none"> 1. Show properties, either rentals or sales 2. Preview home unless accompanied by licensee

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			<ol style="list-style-type: none"> 3. Place calls that would require a license, such as cold calling, soliciting listings, contacting sellers/buyers or tenants in person or by phone, contacting expired listings, placing marketing calls, or extending open house invitation 4. Inspect and measure home unless accompanied by licensee 5. Open property for appraisers, inspectors, etc. 6. Attend settlement unless accompanied by licensee 7. Remove/install lock box 8. Negotiate or write contracts 9. Hold open house 10. Prepare promotional materials or ads without the review and approval of licensee and supervising broker 11. Answer any questions on listings, title, financing, closing, etc. 12. Discuss or explain a contract, listing, lease agreement, or other real estate document 13. Attend pre-settlement walk-through unless accompanied by licensee 14. Complete and execute rental agreements or leases 15. Negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee 16. Solicit listings or management contracts from prospective clients 17. Negotiate the amount of rent, security deposit, or other lease provisions in connection with rental properties 18. Give out information on listed properties (doing so would in almost all instances constitute being involved in the negotiations of the sale of property) 19. Act as a 'go between' with a seller and a buyer, such as when an offer is being negotiated 20. Discuss terms of an earnest money agreement with a buyer or seller
NE	N/A	Policy (formal action)	<p>The Nebraska Real Estate Commission created policy regarding the permissible activities of unlicensed assistants set forth by state legislation. (Amended Nov. 2001)</p> <p>Activities which cannot be performed by unlicensed persons, include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Host Open houses, kiosks, home show booths or fairs, or hand out materials at such functions 2. Show property 3. Answer any questions on listings, title, financing, closing, etc.

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			<ol style="list-style-type: none"> 4. Discuss or explain a contract, agreement, listing, or other real estate document with anyone outside the firm 5. Be paid on the basis of real estate activity, such as a percentage of commission, or any amount based on listings, sales, etc. 6. Negotiate or agree to any commission, commission split or referral fee on behalf of a licensee.
NV	N/A	Guideline	<p>The Real Estate Division of Nevada published an informational guideline stating permissible and impermissible activities of unlicensed assistants. (Revised 2005)</p> <p>Tasks that cannot be performed by unlicensed personnel include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Meet with clients to obtain or renew brokerage agreements or property management agreements 2. Negotiate or agree to any commission or referral fee 3. Provide advice or guidance to a buyer or seller regarding a real estate contract, brokerage agreement, or any other real estate document 4. Show property or provide clients or consumers information on listings 5. Answer any questions about a listing, including asking price, square footage, age of structure 6. Give listing presentations, interview buyers or present or negotiate offers 7. Contact or solicit prospective sellers or buyers, landlords or tenants, including scheduling appointments as a result of a telemarketing survey asking any of those parties if they would like to speak with a licensee about their real estate questions
NH	N/A	Guidelines (formal action)	<p>Guidelines detailing allowable tasks for unlicensed assistants to perform were published by the New Hampshire Real Estate Commission. Under the approved activities list, unlicensed assistants may:</p> <ol style="list-style-type: none"> 1. Give general information about listed properties such as location, availability, and price (without any solicitation on behalf of the assistant) 2. Perform clerical duties, which may include answering the telephone and forwarding calls 3. Fill out and submit listings and changes to multiple listing services 4. Type contract forms for approval by licensee and supervising broker 5. Pick up and deliver paperwork to other brokers and salespersons 6. Follow up on loan commitments after a contract has been negotiated, and pick up and deliver loan documents requiring signatures 7. Obtain status reports on a loan's progress 8. Assemble closing documents 9. Obtain required public information from the Registry of Deeds, public utilities, etc.

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			<ol style="list-style-type: none"> 10. Write advertising for approval by the licensee and supervising broker, and arrange to place the advertising 11. Have keys made for company listings, and place signs on listed property 12. Attend open houses to provide security, and hand out pre-approved promotional material 13. Gather information required for a Comparative Market Analysis 14. Schedule appointments for licensee to show a listed property 15. Drive clients to view properties which will be shown by the licensee
NJ	N/A	Published Guideline (updated Jan. 2015)	<p>The New Jersey Real Estate Commission issued a formal guidance on the use of unlicensed personnel. An unlicensed assistant or secretary cannot:</p> <ol style="list-style-type: none"> 1. Make cold calls by telephone or in person to potential clients 2. In the absence of a licensee, host open houses, booths at home shows, malls or fairs, or distribute promotional literature at such locations 3. Prepare promotional material or ads without the review and approval of a licensee 4. Show property 5. Discuss, explain, or answer any questions on listings, contracts, or other real estate documents with the public or anyone outside the firm 6. Negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of licensee
NM	NM Admin Code Tit.16 § 61.21.8	Rule	<p>The New Mexico Real Estate Commission issued a rule defining “unlicensed assistants” and “responsible persons” to such assistants, and outlining activities in which unlicensed assistants can/cannot engage.</p> <p>Under the rule, unlicensed assistants may not do the following:</p> <ol style="list-style-type: none"> 1. Prepare legal documents, such as listing and sale contracts 2. Interpret documents, or offer opinions or advice 3. Disseminate and distribute information orally or in writing, unless the information is in writing and is prepared and approved by the responsible person 4. Obtain personal or property information from a client or customer of the responsible person, except when acting as a coordinator directed by the responsible person, by gathering and following up on information and the status of matters pertaining to the transaction after a contract has been executed 5. Pick up from or deliver to customers or clients financial documents prepared by title companies, lenders, or other third persons for the purpose of obtaining signatures 6. Attend a closing without the responsible person present 7. Show property without the responsible person present 8. Represent himself or herself as being a licensee or as being engaged in the business of buying, selling, exchanging, renting, leasing, managing, auctioning, or dealing with

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			<p>options on any real estate or the improvements thereon for others</p> <p>9. Perform telephone solicitation of any kind designed to procure transactions requiring licensure under Section 69-21-1 et seq. NMSA1978, including, but not limited to, procuring buyers, sellers, listings, or appointments for listing presentation</p> <p>An unlicensed assistant is permitted to engage in the following activities:</p> <ol style="list-style-type: none"> 1. Obtaining information pursuant to written instructions from the Responsible Person from public records, a Multiple Listing Service (MLS), Listing Exchange or from third party sources including, but not limited to, surveyors, banks, appraisers and title companies 2. An Unlicensed Assistant does not discuss, negotiate or solicit offers for the property or provide any information other than printed materials prepared and approved by the Responsible Person 3. The Licensee is present at the open house where the Unlicensed Assistant is located 4. All inquiries are referred to the Responsible Person or other Licensees 5. Disseminating and distributing information prepared and approved by the Licensee 6. Picking up and delivering paperwork to Licensees other than the Employing Licensee 7. Picking up and delivering paperwork to sellers or purchasers after a contract has been executed if the paperwork has already been reviewed and approved by the Responsible Person, without answering any questions or providing any opinions or advice to the recipient of the paperwork. All substantive questions must be referred to the Responsible Person. 8. Writing advertisements, flyers, brochures, and other promotional materials for the approval of the Responsible Person, and placing classified advertisements approved by the Responsible Person 9. Placing or removing signs on real property as directed by the Responsible Person 10. Ordering repairs as directed by the Responsible Person 11. Receiving and depositing funds, maintaining books and records, while under the supervision of the Responsible Person 12. Typing or word processing documents, including purchase and listing agreements, prepared by the Responsible Person
NY	N/A	Rule Interpretation	<p>The Division of Licensing Services of New York issued a policy interpretation of Section 440 of Article 12A of the NY State Real Property Law on the use of unlicensed assistants.</p> <p>Permissible tasks by unlicensed personnel include:</p> <ol style="list-style-type: none"> 1. General clerical duties such as typing of letters and filing 2. Answering phone calls, arranging appointments

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			<ol style="list-style-type: none"> 3. Follow-up on loan commitments after a contract has been negotiated and generally secure status reports on loan progress 4. Assemble documents for closing 5. Write ads for approval of broker and place approved classified advertising 6. Type contract form for approval by broker 7. Gather information for a comparative market analysis and for appraisals
NC	N/A	Article (formal action)	<p>The North Carolina Real Estate Commission has published an article describing its view of the permissible and impermissible activities of unlicensed assistants. (Published Oct. 2012)</p> <p>Under the article, the Commission has stated that unlicensed employees may not do the following:</p> <ol style="list-style-type: none"> 1. Show properties for sale to prospective purchasers 2. Solicit listings or management contracts from prospective clients 3. Answer questions concerning properties listed with the firm, except to confirm that the property is listed, to identify the listing broker or agent, and to provide such information as would normally appear in a simple, classified newspaper advertisement (e.g., location, price, number of rooms) 4. Prepare promotional materials or advertising of properties for sale or lease without the office broker-in-charge's review and approval 5. Discuss or explain listings, management agreements, offers, contracts, or other similar matters with persons outside the firm 6. Negotiate the amount of rent, security deposit, or other lease provisions in connection with rental properties managed by the firm
ND	N/A	Article (formal action)	<p>The North Dakota Real Estate Commission has repeatedly published an article containing guidelines for what unlicensed assistants may and may not do. (Published June 2008)</p> <p>Under the article, an unlicensed assistant may not:</p> <ol style="list-style-type: none"> 1. Make cold calls by telephone or in person to potential listers and purchasers 2. Show properties for sale to prospective purchasers 3. Host public open houses, host REALTOR® open houses, home show booths or fairs 4. Answer questions concerning properties listed with the firm, except to confirm that the property is listed, to identify the listing broker or salesperson, and to provide such information as would normally appear in a simple, classified newspaper ad (e.g., location, price, number of rooms) 5. Prepare promotional material or advertising of properties for sale or lease without the approval of the supervising broker 6. Discuss or explain listings, offers, contracts, or other similar matters with persons outside the firm

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			<ol style="list-style-type: none"> 7. Be paid on the basis of real estate activity, such as a percentage of commission, or any amount based on listings, sales, etc. 8. Act as a "go-between" with a seller and buyer, such as when an offer is being negotiated
OH	N/A	Pronouncement /Opinion	<p>The Ohio Department of Commerce Division of Real Estate has issued a pronouncement on permissible activities of real estate assistants. (Published Fall 2012)</p> <p>According to the Department of Commerce, unlicensed assistants may not do the following:</p> <ol style="list-style-type: none"> 1. Pass out information sheets, verbally provide information on the property, or otherwise respond to questions which may be asked by prospective purchasers (at an open house or via phone) 2. Gather information on an owner's house or a home he or she may be looking for, provide information to the owner on properties listed, or request the names of others interested in buying or selling a property 3. Call a "for sale by owner" or owner of expired listings to discuss their housing needs or make representations as to the services offered by the brokerage 4. Interpret the terms of a purchase agreement, counteroffers, etc. 5. Advise parties as to their specific rights or obligations and benefits/coverage relating to home warranty programs
OR	N/A	Guideline	<p>The Oregon Real Estate Commission published a guideline for the use of unlicensed assistants in an official publication on June 2016. The Guidelines states that an unlicensed assistant may not engage in the following activities, which are considered to be professional real estate activity:</p> <ol style="list-style-type: none"> 1. Show real estate to prospective buyers 2. Hold open houses 3. Perform a walk-through inspection 4. Answer questions relating to a transactional document 5. Give instructions to inspectors, appraisers, or maintenance/repair people 6. Engage in negotiations with clients in a transaction 7. Engage in real estate marketing or cold calling people to buy or sell real estate
PA	N/A	Guideline	<p>The Pennsylvania Real Estate Commission provides a guideline on the use of real estate assistants and unlicensed individuals. (Amended June 2000)</p> <p>An unlicensed assistant or individual may not perform any duties that require licensure. An unlicensed assistant or individual may not, for example:</p> <ol style="list-style-type: none"> 1. Host an open house to be attended by the public

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			<ol style="list-style-type: none"> 2. Explain or interpret information on the listing sheets to licensees or the public, in person, over the phone, or on the internet 3. Provide information on the style of the home, location of the home, lifestyle or amenities available 4. Tour/show a model to the public 5. Discuss prices, price ranges or mortgage rates with the public 6. Engage in telemarketing, excluding cemetery sales
RI	Policy Restatement L-97-1	Policy Restatement (Reviewed on June 2011)	<p>The Rhode Island Real Estate Commission has issued a policy statement concerning the proper scope of duties and responsibilities of unlicensed personal assistants. A personal assistant cannot:</p> <ol style="list-style-type: none"> 1. Make representations about real property, except for transmitting published information 2. Show real property for sale, rental or lease; 3. Host or conduct an open house without being accompanied at all times by a Licensee; 4. Prepare or present a Comparable Market Analysis (CMA) of real property, but may compile such information for a Licensee 5. Receive compensation in the form of a payment or commission computed on the basis of real property sales activity, listings, sales or rentals; or 6. Discuss or negotiate terms or conditions of the sale, rental or lease of real property.
SC	N/A	Policy Restatement	<p>The South Carolina Real Estate Commission issued a policy restatement for the use and functions of unlicensed office personnel. An unlicensed assistant cannot:</p> <ol style="list-style-type: none"> 1. Host Open houses, kiosks, home show booths or fairs, or hand out materials at such functions 2. Show property 3. Answer any questions on listings, title, financing, closing, etc. 4. Discuss or explain a contract, agreement, listing, or other real estate document with anyone outside the firm 5. Be paid on the basis of real estate activity, such as a percentage of commission, or any amount based on listings, sales, etc. 6. Negotiate or agree to any commission, commission split or referral fee on behalf of a licensee

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SD	N/A	Guidelines	<p>The South Dakota Real Estate commission published guidelines on the use of unlicensed assistants. Unlicensed assistants may not:</p> <ol style="list-style-type: none"> 1. Show Property to prospective buyers 2. Solicit by telephone or in person potential sellers, purchasers, tenants or landlords 3. Answer questions on title insurance, financing or closings 4. Host open houses for licensee or the public, or staff booths at home shows or fairs 5. Give additional information not included in prepared written promotional material that has been distribute to the public 6. Act as a go-between with a seller and buyer 7. Solicit bidders for real estate sold at auction
TN	N/A	Policy (formal action)	<p>The Tennessee Real Estate Commission has issued a policy outlining the permissible and impermissible activities of unlicensed assistants. In the Commission's judgment, unlicensed assistants may not do the following:</p> <ol style="list-style-type: none"> 1. Make cold calls by telephone or in person to potential listers or purchasers 2. Show properties for sale and/or lease to prospective purchasers 3. Host public open houses, host licensee open houses, home show booths or fairs 4. Answer questions concerning properties listed with the firm, except only that information contained on the listing agreement, as limited by the broker 5. Prepare promotional material or advertising or properties for sale or lease without the approval of the supervising broker 6. Discuss or explain listings, offers, contracts, or other similar matters with persons outside the firm 7. Be paid on the basis of real estate activity, such as percentage of commission, or any amount based on listings, sales, etc. 8. Act as a "go-between" with a seller and buyer, such as when an offer is being negotiated 9. Negotiate or agree to any commission split or referral fee on behalf of a licensee
TX	Tex. Occ. Code 1101.002(1)(A)	Rule	<p>The Texas Real Estate Commission distinguishes activities that may and may not be performed by unlicensed persons, although some areas remain somewhat uncertain.</p> <p>According to TREC's statutory interpretation, an unlicensed assistant may not do the following:</p> <ol style="list-style-type: none"> 1. Interview prospects to determine the criteria for selecting a property or to determine the qualifications of a prospect 2. Act in a manner that would constitute a solicitation 3. Select properties for prospects to see 4. Input information into a computer when the secretary or clerical employee is making the decision about what to enter

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			<ol style="list-style-type: none"> 5. Respond to inquiries about a property or prospect when the response requires communication of information that has not been specifically advertised 6. Act as a telemarketer for the purpose of determining if a property owner may be willing to list his or her property for sale or rent 7. Show properties
UT	Utah Admin. Rule R-162-6.2-14	Regulation	<p>The Utah Real Estate Commission has promulgated an administrative rule describing the tasks that unlicensed persons may perform and how they can be compensated. (Published Fall 2009)</p> <p>The rule provides that unlicensed assistants:</p> <ol style="list-style-type: none"> 1. May attend an open house and distribute preprinted literature written by a licensee, as long as a licensee is present and the unlicensed person furnishes no additional information concerning the property or financing and does not become involved in negotiating, offering, selling, or filling in contracts 2. May act only as a courier service in delivering documents, picking up keys, or similar services, as long as the courier does not engage in any discussion of, or filling in of, the documents 3. May be compensated for their work at a predetermined rate which is not contingent upon the occurrence of real estate transactions; licensees may not share commissions with unlicensed persons who have assisted in transactions by performing the services listed in this rule 4. May not engage in telephone solicitation or other activity calculated to result in securing prospects for real estate transactions, except as provided in R162-6.2.15.(a)
VA	N/A	Informal Guidance (Published 2014)	<p>The Virginia Real Estate Board governs what is licensed versus unlicensed activity. Proposed regulations by VREB provide guidance on what unlicensed assistants can and cannot do. VREB as highlighted 5 things that it views as licensed activities (that unlicensed personnel cannot do):</p> <ol style="list-style-type: none"> 1. Show property 2. Hold an open house 3. Answer questions on listings, title, financing, closings, contracts, brokerage agreements, and legal documents 4. Discuss, explain, interpret, or negotiate a contract listing, lease agreement or property management agreement with anyone outside the firm 5. Negotiate or agree to any commission, commission split, management fee or referral fee
WA	N/A	Formal Guidelines	<p>The WA Real Estate Commission has published guidelines that describe the tasks and duties that may be performed by unlicensed assistants. Unlicensed assistants may not:</p>

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			<ol style="list-style-type: none"> 1. Show properties, answer questions, or interpret information about the property, price, or condition 2. Interpret information about listings titles, financing, contracts, closing, or other information relating to a transaction 3. Fill in legal forms or negotiate price or terms 4. Hold or distribute trust funds 5. Perform any act with the intent to circumvent, or which results in the circumvention of real estate licensing laws
WI	Wisc. Admin. Code § RL 17.02(5) & § RL 17.12	Rule	Wisconsin law relates to the employment and use of personal assistants by licensed real estate salespersons and brokers who are themselves employed by real estate brokers.
WV	WV Code § 30-40-5 (West Virginia Real Estate License Act)	Rule	<p>The WV Real Estate License Act states activities that may and may not be performed by unlicensed individuals.</p> <p>According to § 30-40-5 unlicensed assistants may only do one or more of the following tasks:</p> <ol style="list-style-type: none"> 1. Disseminate brokerage preprinted and predetermined real estate sales and rental information; 2. Accept and process rental reservations or bookings for a period not to exceed thirty (30) consecutive days in a manner and procedure predetermined by the broker 3. Collect predetermined rental fees for the rentals which are to be promptly tendered to the broker; 4. Make appointments on behalf of the broker or licensed salesperson with buyers and sellers of real estate and potential buyers and sellers of real estate; or 5. Any combination thereof.

*** AS A NOTE OF CAUTION, IT MUST BE UNDERSTOOD THAT THIS REPORT DOES NOT CONSTITUTE LEGAL ADVICE. THIS REPORT IS INTENDED TO PROVIDE GENERAL INFORMATION, AND SHOULD NOT BE RELIED UPON AS LEGAL GUIDANCE. BEFORE ACTING, BOTH THE LAWS OF THE STATE AND LEGAL COUNSEL SHOULD BE CONSULTED. MUCH OF THIS RESEARCH WAS PERFORMED IN 2015, AND SO THE RESEARCH MAY NO LONGER BE CURRENT.**