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Issuing a License for Individuals
If the applicant has submitted all of the appropriate paperwork and fees, his/her broker will receive both a license and a pocket card. Licensees must carry their pocket cards with them and show them on demand. Each license is valid for two years.

Dual Licensure

- A broker may hold two broker's licenses.
- A licensed broker may also become an associate broker with another firm.
- A salesperson or associate broker can work under the supervision of more than one broker.

Issuing a License for Legal Entities

Partnership Broker

Corporate Broker - If the corporation is new, the officer must submit a copy of the corporate filing receipt with the application.

Limited Liability Company or Limited Liability Partnership - If the limited liability company is new, the applicant must submit an application along with a copy of the articles of the organization which was filed with the Division of Corporations or the filing receipt.

An officer or partner of a legal entity may only be licensed as a broker – not a salesperson or an associate broker.

Brokerage Regulations

- Every licensed real estate broker must maintain a definite place of business within New York State.
- The broker must post a sign conspicuously on the outside of the office building.
- Broker must apply for and secure an additional license for each of the branch offices.

Maintaining a License
Whenever there is a change of broker or address, the licensee must submit the appropriate form to the DOS within five days.

Failure to notify the Department of a change of business address is grounds for license suspension.

Change of Name or Status - the licensee must notify the Department using the appropriate form.
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Branch Office Requirements

- A branch office must be owned, maintained and operated only by the licensed broker to whom the branch office license is issued.
- A branch office must be under the direct supervision of the broker to whom the license is issued.
- A broker may not relocate his or her principal office or any branch office without prior approval of the Department.

Changes of Association or Termination

When a salesperson or an associate broker wants to leave the service of the sponsoring broker, that broker must file a termination of association notice with the Department of State.

Renewals

- Licensees must renew their licenses every two years.
- The Department may require the licensee to pass the written examination before granting the license renewal.

Renewal Procedure

- If the licensee is a salesperson or an associate broker, the renewal application must be signed by the broker, confirming the fact that the licensee is sponsored by that broker.
- It is the licensee's responsibility to complete the renewal form and pay the appropriate fees before the license expires.

Continuing Education

To renew his or her license, a licensee must complete 22.5 hours of continuing education during the two-year period preceding the renewal date.

At least three hours of the continuing education requirement must include fair housing and/or discrimination in the sale or rental of real property or an interest in real property. At least 1 hour must be on agency law, unless it is your first license term (then it would be 2 hours).

If a licensee teaches an approved real estate or continuing education course, he or she will receive two hours of continuing education credit for each hour of actual teaching.

If a licensee fails to show that he or she has completed the required continuing education hours, the license will no longer be in effect.
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The following types of instruction do not meet continuing education requirements and will not be accepted:

- General training or education designed to prepare a student for passing a real estate broker's or salesperson's examination
- Offerings in mechanical office and business skills
- Sales promotion meetings

Nonresident Licenses and Reciprocity

A nonresident broker from another state may become a broker in New York by passing the New York state exam and by maintaining an office in New York.

Reciprocity - If the nonresident broker lives in a state that does not require New York licensees to take their exam or maintain an office in their state, then the nonresident does not have to do either of those things to get licensed in New York.

Reciprocity Requirements - All applicants need current, completed application, irrevocable consent form, and the appropriate fee.

Other Licenses That Involve Real Estate

- **Apartment Information Vendor** - A person who is at least 18 years old who furnishes information about the location and availability of residential rental property.
- **Apartment-Sharing Agent** - A person who arranges meetings between potential roommates and property owners who want to share their apartments and homes with others.
- **Appraiser** - A person who determines the value of a piece of property.
- **Mortgage Banker** - An individual or an entity licensed to make residential mortgage loans.
- **Mortgage Broker** - A person registered to negotiate residential mortgage loans - brings together a lender and a borrower for a fee that is paid by the borrower.
- **Home Inspector** - A person hired to inspect a property to determine the condition of the improvements and then provide a written report of the findings.

Department of State Regulations

- **Handling Funds** - A real estate broker must not commingle money with his own funds. The broker must maintain a separate escrow account to be used exclusively for the deposit of client monies.
- **Managing Property for a Client** - A broker cannot accept any commission without the client’s full consent.
- **Broker's Listings** - A broker cannot buy for himself any property he has listed, or acquire any interest in a property, without clearly notifying the listing owner.
- **Broker's Property** - Before a broker can assist his client in the purchase of a property in which the broker has an ownership interest, the broker must disclose that interest to all parties to the transaction.
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- **Compensation** - A broker must make it clear for which party he is acting.
- **Negotiating a Listing Contract** - A broker is prohibited from negotiating the sale of any property directly with an owner who has an existing written exclusive listing agreement with another broker.
- **Offering Property for Sale** - A broker may never offer a property for sale or lease without the owner’s authorization.
- **Sign on Property** - A broker may not place a sign on any property without the owner’s consent.
- **Delivering Duplicate Originals** - Duplicate originals of any documents that a broker prepares that pertain to a real estate transaction must be delivered immediately to all parties to the transaction.
- **Accepting Services of Another Broker's Salesperson** - A broker may not accept the services of any salesperson or employee of another real estate broker without the knowledge of the employing broker.
- **Termination of Association** - When a salesperson terminates his or her association with a broker, the salesperson must turn over any and all listing information he or she obtained during the association.
- **Automatic Continuation of Listing Contract** - An exclusive listing contract cannot contain an automatic continuation of the listing period beyond the fixed termination date specified in the contract.
- **Use of Trade or Corporate Name** - A licensed broker or applicant applying for a broker's license may not use a trade or corporate name which is so similar to the name of another licensed broker that it will confuse the public.
- **Net Listings** - (illegal in New York) contract in which the broker receives as commission all monies over and above a minimum sales price agreed upon by the broker and the seller.
- **Salesperson Supervision** - The broker and salesperson must keep written records of all real estate listings the salesperson obtains and of all sales and other transactions the salesperson makes during the period of his or her association with the broker.
- **Ownership of Voting Stock** - A salesperson may not own any voting shares of stock in any licensed real estate brokerage corporation with which he or she is associated.
- **Record Maintenance** - Every licensed broker must keep and maintain a file of agency disclosures, listings, offers, closing statements and other transaction-related documents for a period of three years.
- **Compensation and Fee Splitting** - Salespersons may accept compensation ONLY from their sponsoring brokers. Brokers may share compensation with only the following licensed persons:
  - Their own salespersons
  - Other New York brokers
  - Brokers from another state
  - Brokers can share compensation with a person who is exempt from the license law, such as a lawyer.
- **Kickbacks** - fee paid to an agent as an incentive to refer customers to a particular vendor. This action can be a violation of the license law.
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Advertising Guidelines

Any ad that contains a phone number only is called a **blind ad - prohibited**.

Business Cards

A business card must include at least the:

- Name and address of the brokerage or the branch office;
- Person's full name as it appears on the license;
- Type of license held;
- The firm's business telephone number.

Internet

On real estate web sites, a salesperson's name cannot be displayed in type that is larger or more prominent than the broker's or firm's name.

Any ads placed on the Internet must have a link to the firm's web site. If a salesperson has a web site, the broker must supervise the site.