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Oklahoma Real Estate
Commission Draft of
Permanent Rules 2021
Effective November 1, 2021

**SUBCHAPTER 5. INSTRUCTOR AND ENTITY REQUIREMENTS AND
STANDARDS**

605:10-5-1. Approval of pre-license course

(a) **Course approval.** Any person or entity seeking to conduct an approved course of study shall make application and submit documents, statements and forms as may reasonably be required by the Commission. The request shall include the following:

- (1) Completed course application.
- (2) Application fee of One Hundred Twenty-five Dollars (\$125.00) for each course.
- (3) An approved course syllabus encompassing the contents enumerated in 605:10-3-1 and divided by instructional periods, the name, author and publisher of the primary textbook, or a statement stating the entity will use the OREC syllabus and other items as may be required by the Commission.

(b) **Course offering requirements.**

- (1) An entity not conducting an applicable approved course within any thirty-six (36) month period shall automatically be removed from approved status. In such event, the person and/or entity must re-apply as an original applicant.
- (2) If a course of study is to be conducted in the name of a corporation, the application shall include the names and addresses of all directors and officers.
- (3) An approved entity shall immediately report any changes in information in regards to the application previously filed with the Commission.

(c) **Denied applications.** No portion of the fees enumerated in this section are refundable. If an instructor, entity or course application is not approved, the applicant may appeal the decision by filing a written request for a hearing before the Commission. The hearing procedure shall be that as outlined in 605:10-1-3 titled "Appeal of administrative decisions; procedures."

(d) **Advertising course offerings.** No person or entity sponsoring or conducting a course of study shall advertise the course as approved prior to the course receiving approval from the Commission. Further, no person or entity sponsoring or conducting a course of study shall advertise that it is endorsed, recommended or accredited by the Commission although such person or entity may indicate that a course of study has been approved by the Commission.

(e) **Instructor application and approval requirements.** An individual determined by the Commission to possess one or more of the following qualifications may, upon receipt of an application and evidence of education and/or experience, be considered for approval as an approved instructor. Each application for approval must be accompanied by a Twenty-Five Dollar (\$25.00) application fee, and documentation required for compliance necessary to verify citizenship, qualified alien status, and eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In order to qualify, an individual must possess proof of one of the following:

- (1) A bachelor's degree with a major in real estate from an accredited college or university.

(2) A bachelor's degree from an accredited college or university, and at least two (2) years of applicable active experience within the previous ten (10) years as a real estate broker or sales associate.

(3) A real estate broker or sales associate licensed in Oklahoma with a minimum of five (5) years applicable active experience within the previous ten (10) years as a real estate broker or sales associate and proof of high school education or its GED equivalent.

(4) An individual determined by the Commission to possess a combination of education and/or applicable active broker or sales associate experience in real estate or real estate related fields which constitutes an equivalent to one or more of the qualifications in paragraphs (1), (2), or (3) of this subsection.

(f) Course content examination. Final approval will be considered after the instructor applicant has paid the appropriate examination fee and successfully completed an applicable examination with a passing score of 80% or more. If an instructor applicant has successfully taken an applicable license examination with a passing score of 80% or more within thirty (30) days of filing an instructor application, the passing score may be utilized to meet the applicable examination requirement in this section.

(g) Instructor renewal requirements.

(1) In order to maintain approved status, an instructor must ~~comple~~ complete one of with the following:

~~(A) Attend a Commission directed Instructor Renewal Course every twenty four (24) months or successfully complete nationally recognized teacher education modules consisting of at least 3 clock hours of credit as approved by the Commission.~~

~~(B) Complete one of the following:~~

(i) Furnish evidence that the instructor has taught a Commission approved pre-license course, or any other real estate related course(s) the Commission determines to be equivalent, within a required thirty-six (36) month period;

(ii) Successfully pass the applicable sales or broker examination with a score of 80% or more; or

(iii) Furnish evidence to the Commission that the instructor has audited an in-class prelicense course, in its entirety, that must be validated by the school instructor or director.

(2) Instructors must sign a statement affirming that changes to current law and rules have been reviewed and that the instructor has made applicable amendments to the course material. Any instructor not meeting the requirements of this ~~subsection will~~ may be required to re-apply as an original instructor applicant.

(h) Guest instructors. Guest instructors may be utilized provided an approved instructor is also present during presentations. Total guest instruction and lectures shall not consume more than thirty percent (30%) of the total course time.

(i) Instructor and entity requirements.

(1) **Instructor must be present.** An approved instructor must be present in the same room during all in class course instruction for students to receive credit toward course completion.

(2) **Retention of records.** An instructor/entity shall maintain enrollment records and roll sheets which include number of hours completed by each student for ~~seven (7)~~ five (5) years.

(3) **Course completion certificate.** Each individual successfully completing a course of study

approved by the Commission shall be furnished a certificate ~~prescribed or approved by the Commission~~ certifying completion. The Commission shall accept from a college or university a certified transcript or a course completion certificate as prescribed by the Commission.

(4) **Commission authorized to audit and inspect records.** A duly authorized designee of the Commission may audit any offering and/or inspect the records of the entity at any time during its presentation or during reasonable office hours or the entity may be required to provide the records to the Commission.

(5) **Clock hours and breaks.** Not more than one clock hour may be registered within any one sixty (60) minute period and no more than ten (10) minutes of each hour shall be utilized for breaks.

(6) **Class size limited.** Instructor ratio to students shall not exceed sixty (60).

(j) **Facility requirements.** The offering entity shall ensure that all classroom facilities have adequate lighting, seating space and technology to meet the needs of the student. The classroom area shall be free of distractions and noise.

(k) **Disciplinary action.** An approved course of study, director, and/or instructor may be withdrawn or disciplined as outlined in Title 59, O.S., Section 858-208, paragraph 6 either on a complaint filed by an interested person or the Commission's own motion, for the following reasons, but only after a hearing before the Commission and/or a Hearing Examiner appointed by the Commission:

(1) In the event the real estate license of a director is suspended or revoked, the course of study shall automatically be revoked.

(2) In the event the real estate license of an instructor is suspended or revoked.

(3) Failure to comply with any portion of the Code or the rules of this Chapter.

~~(4) Failure of an approved entity to maintain a 50% or better pass/fail ratio on the Commission examinations.~~

~~(5)~~ (4) Falsification of records and/or application(s) filed with the Commission.

~~(6)~~ (5) False and/or misleading advertisement.

~~(7)~~ (6) Any other improper conduct or activity of the director, instructor, or entity as may be determined by the Commission to be unacceptable.

605:10-5-1.1. Approval of a post-license course

(a) **Course approval.** In accordance with Section 858-302 of the License Code, the Commission shall determine and approve the education content of the forty-five (45) clock hour post-license course content or its equivalent. Any person or entity seeking to conduct an approved course of study shall make application and submit documents, statements and forms as may reasonably be required by the Commission. The request shall include the following:

(1) Completed course application.

(2) Application fee of One Hundred Twenty-five Dollars (\$125.00) for each course.

(3) An approved course syllabus encompassing the contents enumerated in 605:10-3-7 and divided by instructional periods, with the name, author and publisher of the primary textbook.

(b) **Course offering requirements.**

(1) An offering entity not conducting the approved course within any thirty-six (36) month period shall automatically be removed from approved status. In such event, the person and/or entity must re-apply as an original applicant.

(2) If a course of study is to be conducted in the name of a corporation, the application shall include the names and addresses of all directors and officers.

(3) An approved entity shall immediately report any changes of information in regards to the application previously filed with the Commission.

(c) **Denied applications.** No portion of the fees enumerated in this Section are refundable. If an instructor, entity or course application is not approved, the applicant may appeal the decision by filing a written request for a hearing before the Commission. The hearing procedure shall be that as outlined in 605:10-1-3 titled "Appeal of administrative decisions; procedures."

(d) **Advertising course offerings.** No person or entity sponsoring or conducting a course of study shall advertise the course as approved prior to the course receiving approval from the Commission. Further, no person or entity sponsoring or conducting a course of study shall advertise that it is endorsed, recommended or accredited by the Commission although such person or entity may indicate that a course of study has been approved by the Commission.

(e) **Instructor application and approval requirements.** An individual determined by the Commission to possess one or more of the following qualifications may be considered for approval as an instructor upon receipt of an application and evidence of education and/or experience. Each application must be accompanied by a One Hundred Dollar (\$100.00) application fee, and documentation required for compliance necessary to verify citizenship, qualified alien status, and eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In order to qualify, an individual must possess proof of one of the following:

(1) Possession of a bachelor's degree in a related field.

(2) Possession of a valid teaching credential or certificate from Oklahoma or another jurisdiction authorizing the holder to instruct in an applicable field of instruction at the entity.

(3) Five (5) years full-time experience out of the previous ten (10) years in a profession, trade, or technical occupation in the applicable field of instruction.

(4) An individual determined by the Commission to possess a combination of education and/or experience in a field related to that in which the person is to instruct, which constitutes an equivalent to one or more of the qualifications in (1), (2) or (3) of subsection (e) of this section.

(f) **Instructor renewal requirements.**

(1) In order to maintain approved status, an instructor must ~~comply with~~ complete one of the following:

~~(A) Attend a Commission directed Instructor Renewal Course, or its equivalent, every twenty-four (24) months. An exception to this rule may be given by the Commission if such instructor is licensed or certified through another regulatory body.~~

~~(B) Instructors approved solely for distance education courses must complete three (3) hours every twelve (12) months of instructor training as accepted by the Commission and~~

(i) Furnish evidence that the instructor has taught a Commission approved post-license course, or any other real estate related course(s) the Commission determines to be equivalent, within a required thirty-six (36) month period;

(ii) Successfully pass the applicable sales or broker examination with a score of 80% or more; or

(iii) Furnish evidence to the Commission that the instructor has audited an in-class prelicense course, in its entirety that must be validated by the school instructor or director.

(2) Instructors must sign a statement affirming that changes to current law and rules have been reviewed and that the instructor has made applicable amendments to the course material. Any instructor not meeting the requirements of this subsection ~~will~~ may be required to re-apply as an original instructor applicant.

(g) **Guest instructors.** Guest instructors may be utilized provided an approved instructor is also present during presentations. Total guest instruction and lectures shall not consume more than thirty percent (30%) of the total course time.

(h) **Instructor and entity requirements.**

(1) **Instructor must be present.** An approved instructor must be present in the same room during all course instruction for students to receive credit toward course completion.

(2) **Retention of records.** An instructor/entity shall maintain enrollment records and roll sheets which include number of hours completed by each student for a period of ~~seven (7)~~ five (5) years.

(3) **Course completion certificate.** Each individual successfully completing a course of study approved by the Commission shall be furnished a certificate ~~prescribed or approved by the Commission~~ certifying completion. The Commission shall accept from a college or university a certified transcript or a course completion certificate as prescribed by the Commission.

(4) **Course notification to Commission.** An entity conducting an approved post-license education offering shall, within seven (7) days of the completion thereof, successfully submit to the Commission the list of name(s), license number(s) and other personal identifiers of those licensees who have successfully completed said offering. The information shall be submitted to the Commission by way of electronic format as required by the Commission, along with other information which may reasonably be required.

(5) **Commission authorized to audit and inspect records.** A duly authorized designee of the Commission may audit any offering and/or inspect the records of the entity at any time during its presentation or during reasonable office hours or the entity may be required to provide the records to the Commission.

(6) **Clock hours and breaks.** Not more than one clock hour may be registered within any one sixty(60) minute period and no more than ten (10) minutes of each hour shall be utilized for breaks.

(7) **Class size limited.** Instructor ratio to students shall not exceed sixty (60).

(i) **Facility requirements.** The offering entity shall ensure that all classroom facilities have adequate lighting, seating space and technology to meet the needs of the student. The classroom area shall be free of distractions and noise.

(j) **Disciplinary action.** An approved course of study, director, and/or instructor may be withdrawn or disciplined as outlined in Title 59, O.S., Section 858-208, paragraph 6 either on a complaint filed by an interested person or the Commission's own motion, for the following reasons, but only after a hearing before the Commission and/or a Hearing Examiner appointed by the Commission:

(1) In the event the real estate license of a director is suspended or revoked, the course of study shall automatically be revoked.

(2) In the event the real estate license of an instructor is suspended or revoked.

- (3) Failure to comply with any portion of the Code or the rules of this Chapter.
- (4) Falsification of records and/or application(s) filed with the Commission.
- (5) False and/or misleading advertisement.
- (6) Any other improper conduct or activity of the director, instructor, or entity the Commission determines to be unacceptable.

605:10-5-2. Approval of a continuing education course

(a) **Approval and expiration of application.** An entity seeking to conduct an approved continuing education course shall make application for the approval or renewal of each course. Such approval or renewal shall expire at the end of the thirty-sixth (36) month including the month of issuance.

(b) **Application form.** Entities seeking approval of a course shall submit an application on a form prescribed by the Commission along with a non-refundable fee of Twenty Five Dollars (\$25.00) per course. Each application shall include, but is not limited to, the following information:

- (1) The name(s), address(es), and telephone number(s) of the sponsoring entity, the owner(s), and the coordinator/director responsible for the quality of the course.
- (2) The title(s) of the course or courses.
- (3) The number of hours in each course.
- (4) A copy of each course's curriculum, including comprehensive course objectives, a detailed outline of the course subject matter and instructor(s) for each course.
- (5) The method the entity will use to evaluate the course offering.
- (6) The procedure the entity will use to monitor attendance.
- (7) A personal resume indicating name(s) and qualifications of the instructor(s).
- (8) Any other relevant information useful in determining that the entity is presenting a course which will meet the definition, purposes, goals and objectives adopted by the Commission.
- (9) A statement attesting to the fact that in accepting approval as a continuing education entity, the entity will protect and promote the purposes, goals and objectives of continuing education as stated in the License Code and Rules.

(c) **Commission course approval notice.** The Commission shall within sixty (60) days after receipt of an application inform the entity as to whether the course has been approved, denied, or whether additional information is needed to determine the acceptability of the course.

(d) **Course renewal requirements.** Upon expiration of the time period, as stated in sub-paragraph (a) of this rule, an application for renewal of any course by an entity shall also be accompanied by a nonrefundable application fee of Twenty Five Dollars (\$25.00) per course for a thirty-six (36) month period. Renewal applications shall be subject to the same requirements as original applications; however, the renewal application shall be submitted prior to expiration of the course(s).

(e) **Change of information notice requirement.** Whenever there is any change in a course, the entity shall notify the Commission prior to the effective date of the change. Such change shall not be considered approved until written notice is received from the Commission.

(f) **Advertising of course offering.** An entity advertising a course as being approved for continuing education credit shall state in such advertisement, "Approved by the Commission for (correct number) hours of continuing education credit." No entity sponsoring or conducting a course of study shall advertise the course as approved prior to the course receiving approval from the Commission. Further, no entity sponsoring or conducting a course of study shall advertise that it is endorsed, recommended or accredited by the Commission.

(g) **Course requirements and limitations.**

(1) A course will not be approved by the Commission if its duration is less than one (1) clock hour or its equivalent as determined by the Commission.

(2) To meet the statutory requirement, a clock hour shall equal sixty (60) minutes, with no more than ten minutes of each hour utilized for breaks.

(3) An entity conducting an approved continuing education course shall, within seven (7) days of the completion thereof, successfully submit to the Commission the list of name(s), license number(s) and other personal identifiers of those licensees who have successfully completed the course. The information shall be submitted to the Commission by way of electronic format as required by the Commission, along with other information which may reasonably be required.

(4) Each licensee successfully completing a course shall be furnished a completion certificate, prescribed or approved by the Commission.

(5) Each course shall be presented in a ~~facility necessary to~~ method that safely and properly ~~present~~ presents the course.

(6) An approved instructor must be present in the same room during all in-class course instruction for students to receive credit toward course completion. If an instructor is presenting a Commission approved in-class course offering which is delivered to the licensees by way of electronic means to receiving sites other than where the instructor is presenting, the Commission may require that each receiving entity site have an in-class person monitoring the class in lieu of a Commission approved instructor.

(h) Recruitment disallowed.

(1) A coordinator/director or instructor shall not allow the classroom to be used by anyone to advertise and/or recruit new affiliates for any firm. The coordinator/director shall cause the following statement to be posted in the classroom in such a manner as will be readable by all participants: "No recruiting for employment opportunities for any real estate brokerage firm is allowed in this class. Any recruiting on behalf of, or permitted by, the Instructor should be promptly reported to the Oklahoma Real Estate Commission."

(2) An instructor shall not wear any identification relating to a specific name or identity of a real estate firm, a group of companies or franchises while in the class or on the premises.

(i) Instructor application and approval requirements: An individual may, upon receipt of an application and evidence of education and/or experience, be considered for approval as an instructor for a three (3) year period including the month of approval. Each application and subsequent renewal must be accompanied by a nonrefundable Fifty Dollar (\$50.00) application fee. In order to qualify, an individual must possess proof of one of the following:

(1) Possession of a bachelor's degree in a related field.

(2) Possession of a valid teaching credential or certificate from Oklahoma or another jurisdiction authorizing the holder to instruct in an applicable field of instruction.

(3) Five (5) years full-time experience out of the previous ten (10) years in a profession, trade, or technical occupation in the applicable field of instruction.

(4) An individual determined by the Commission to possess a combination of education and/or experience, in a field related to that in which the person is to instruct, which constitute an equivalent to one or more of the qualifications in (1), (2) or (3) of this subsection.

(j) Denied application; appeal. If the Commission is of the opinion that a proposed continuing education offering does not qualify under the Code and/or Rules of the Commission, the Commission shall refuse to approve the offering and shall give notice of that fact to the party

applying for approval within fifteen (15) days after its decision. Upon written request from the denied party, filed within thirty (30) days after receipt of the notice of denial, the Commission shall set the matter for hearing to be conducted within sixty (60) days after receipt of the request. The hearing procedure shall be that as outlined in 605:10-1-3, titled "Appeal of administrative decisions; procedures."

(k) **Disciplinary action.** The Commission may withdraw or discipline as outlined in Title 59, O.S., Section 858-208, paragraph 6 the approval of a coordinator/director, instructor, offering or entity either on a complaint filed by an interested person or on the Commission's own motion, for any of the following reasons, but only after a hearing before the Commission and/or a Hearing Examiner appointed by the Commission:

- (1) In the event the real estate license of an instructor and/or coordinator/director is revoked or suspended.
- (2) Failure to submit all documents, statements and forms as may be reasonably required by the Commission.
- (3) Falsification of records and/or applications filed with the Commission.
- (4) False and/or misleading advertising.
- (5) Failure to revise an offering so as to reflect and present current real estate practices, knowledge, and laws.
- (6) Failure to maintain proper classroom order and decorum.
- (7) Any conduct which gives the coordinator/director, instructor or entity presenting the offering an unfair advantage over other brokers and/or real estate companies.
- (8) Failure to comply with any portion of the Code or rules of this Chapter.
- (9) Any other improper conduct or activity of the director, instructor, or entity the Commission determines to be unacceptable.

(l) **Retention of records.** An instructor/entity shall maintain enrollment records and roll sheets which include number of hours completed by each student for ~~seven (7)~~ five (5) years.

(m) **Commission authorized to audit.** A duly authorized designee of the Commission may audit any offering and/or inspect the records of the entity at any time during its presentation or during reasonable office hours or the entity may be required to provide the records to the Commission.

(n) **Licensee/Instructor course credit.**

- (1) A licensee who is the instructor of an approved offering for continuing education shall be credited with one (1) hour for each hour of actual instruction performed.
- (2) An instructor may not receive continuing education credit for instructing an offering more than one time during a license term.
- (3) Records of such instruction shall be reported and maintained in the same manner as prescribed for participants elsewhere in the rules of this Chapter.

(o) **Guest instructors.** Guest instructors may be utilized provided an approved instructor is also present during presentations. Total guest instruction and lectures shall not consume more than thirty percent (30%) of the total course time.

605:10-5-3. Standards for Commission approved real estate courses

(a) **Approved instructor.** Each ~~in-class~~ course offering shall be conducted by a Commission approved instructor. ~~Each entity conducting a distance education course offering shall have available a Commission approved instructor.~~ The instructor shall be available during normal business hours as posted by the instructor to answer questions about the course material and provide assistance as necessary.

(b) Student must attend entire in-class instruction or complete all modules required for distance education instruction. In order for an entity to certify a student as passing an approved course the student must either:

- (1) attend the required number of hours of in-class instruction; or
- (2) complete all instructional modules required for distance education instruction.

(c) Student must successfully complete a prelicense, postlicense or distance education course offering examination. In order for an entity to certify a student as passing an approved prelicense, postlicense or distance education course, the student must successfully complete an examination covering the contents of the course material.

(d) Student transfers. Except with the prior approval of the Commission, a student transferring from one course to another may not count any portion of the student's attendance or work in the former course toward passing the course. A student who enrolls in an entity which offers a Commission approved course may not transfer credit for a course or courses completed in that series to another entity unless the receiving entity offers the identical series of courses and the receiving entity agrees to accept and examine said student throughout successful completion.

(e) Course examinations. Each approved prelicense provisional sales associate course and postlicense course offering shall conclude with an end-of-course examination consisting of no less than one hundred and fifty (150) questions administered by the approved entity. Each approved prelicense broker course shall conclude with an end-of-course examination consisting of no less than two hundred (200) questions administered by the approved entity. Each approved distance continuing education course offering shall conclude with an end-of-course examination consisting of no less than seven (7) questions for each clock hour. End-of-course examination questions may not be the same as any previously used questions covering the respective course content.

(f) Successful completion. In order for a student to successfully complete a prelicense, postlicense or distance education course, the entity must require that the student complete all class material and/or modules and achieve a passing score of at least ~~eighty percent (80%)~~ seventy five percent (75%) on the entity's final examination. An entity shall require the student to complete sufficient material or modules to ensure mastery of the course offering, and shall require the student to complete the end-of-course examination. An entity may allow any student who fails to achieve a passing score the opportunity to take another examination without repeating instruction.

(g) Grading standards. In order for an entity to certify a student as passing an approved course, the student must meet the minimum grading standards established by this Section and the entity. On graded examinations for which this Section sets specific requirements, the entity's policy shall at least equal those requirements as listed in this Section. Other grading standards shall be in accordance with generally accepted educational standards. An entity shall publish grading standards and give them to a student in a written form at the beginning of the course.

(h) Commission may impose sanction. The Commission may impose any sanction permitted by law or Rules of the Commission on the approval of any entity, director and/or instructor which fails to provide proper security for their course evaluation or examination and for failing to comply with standards as set out in this Chapter.

(i) Each entity must post notice. Each entity must post or provide a notice that is easily observed by any person desiring to enroll in a prelicense course. The notice must at least include the following language: ~~Oklahoma Statutes, Title 59, Section 858.301.1 "Effective November 1, 2009, state law prohibits the issuance of a real estate license to any person who has been convicted, pled guilty or pled nolo contendere to a felony for a pre-determined number of years based on the classification of said felony. Applicants convicted of felony crimes referenced in Title 59 Section~~

858-301.1 may be ineligible to obtain an Oklahoma Real Estate License for a predetermined number of years. For clarification, please contact the Commission and/or review the cited section of law as referenced herein. ~~Additionally, if the applicant has delinquent unpaid child support or student loans, the applicant must check with the Real Estate Commission before enrolling in this class.~~ The Commission will allow the applicant to seek preapproval prior to enrolling in a pre-license course.”

(j) Additional distance education course requirements.

- (1) Each course shall contain suitable learning objectives.
- (2) Overview statements must be included for each course providing a quick preview of what is contained in the offering.
- (3) A complete set of questions and an answer key must be provided to the Commission with each course application. An answer key may not be included in any course materials provided to the student.
- (4) From the date of enrollment, the course shall have a validity period of six (6) months in which to allow successful completion to be attained.
- (5) Entities must include information with the course material that clearly informs the student of the completion time frame, passing and examination requirements, and any other relevant information necessary to complete the course.
- (6) Each course must include a statement that the information presented in the course should not be used as a substitute for competent legal advice.
- (7) Course offerings must be sufficient in scope and content to justify the hours requested for approval.

(k) Each entity shall promote the Basic Course of Real Estate as Part I of a two part series and the Provisional Postlicense Course of Real Estate as Part II of that series. Applicants are to be advised that Part II of the series is not to begin until after license issuance and shall be completed prior to their first license expiration.

(l) All materials that are distributed to students in any class must be current and up-to-date with the License Code and Rules and state or federal laws.

SUBCHAPTER 7. LICENSING PROCEDURES AND OPTIONS

605:10-7-2. License terms and fees; renewals; reinstatements

(a) **License term and fees.** Each original license issued under the Code shall be issued to expire at the end of the thirty-sixth (36) month including the month of issuance. Each original provisional sales associate license issued under the Code shall be issued to expire at the end of the twelfth (12th) month including the month of issuance. Fees are non-refundable and are as follows:

- (1) For an original broker license and each subsequent license renewal, to include corporations, associations or partnerships, the fee shall be Two Hundred and Eighty Dollars (\$280.00).
- (2) For an inactive original broker license and each subsequent inactive license renewal, with the exception of corporations, associations or partnerships, the fee shall be One Hundred and Sixty Dollars (\$160.00). In order to activate a license that was renewed inactive in the same license term, the licensee shall pay One Hundred and Sixty Five Dollars (\$165.00). Thereafter, any future request to activate in the same license term shall be in accordance with Rule 605:10-7-4.

(3) For an original broker associate license and each subsequent license renewal, the fee shall be Two Hundred and Forty Five Dollars (\$245.00).

(4) For an inactive original broker associate license and each subsequent inactive license renewal, the fee shall be One Hundred and Fifty Dollars (\$150.00). In order to activate a license that was renewed inactive in the same license term, the licensee shall pay One Hundred and Fifty Five Dollars (\$155.00). Thereafter, any future request to activate in the same license term shall be in accordance with Rule 605:10-7-4.

(5) For an active original sales associate license and each subsequent active license renewal the fee shall be Two Hundred Dollars (\$200.00).

(6) For an inactive original sales associate license and each subsequent inactive license renewal the fee shall be One Hundred and Twenty Five Dollars (\$125.00). In order to activate a sales associate license that was renewed inactive in the same license term, the licensee shall pay One Hundred and Thirty Five Dollars (\$135.00). Thereafter, any future request to activate in the same license term shall be in accordance with Rule 605:10-7-4.

(7) For an original provisional sales associate license that is non-renewable the fee shall be Ninety Five Dollars (\$95.00).

(8) For an original branch office license and each subsequent license renewal the fee shall be One Hundred and Seventy Dollars (\$170.00).

(9) For each duplicate license or pocket card, where the original is lost or destroyed, and a written request is made, a fee of Seven Dollars and fifty cents (\$7.50) shall be charged.

(10) The Fifteen Dollar (\$15.00) Education and Recovery Fund fee, shall be added and payable with the license fee for an original license and for each subsequent license renewal. Exceptions to this rule are: 1) a provisional sales associate license fee shall be Five Dollars (\$5.00) for their twelve (12) month license term; and, 2) a branch office shall not pay the fee.

(b) **Terms cannot be altered.** Terms shall not be altered except for purposes of general reassignment of terms which might be necessitated for the purpose of maintaining an equitable staggered license term system.

(c) **Expiration date.** The actual expiration date of a license shall be midnight of the last day of the month of the designated license term. A person who allows their license to expire ~~shall~~ may be ~~considered an applicant and~~ subject to a national criminal history record check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

~~(d) **Late penalty.** All renewals shall be filed on or before midnight of the tenth day of the month in which said license is due to expire, except in the event that date falls on a Saturday, Sunday or holiday; in such case, the next Commission working day shall be considered the due date for all renewals except electronic online renewal wherein this exception would not apply. Any such renewal application filed after such date shall be subject to a late penalty fee of Ten Dollars (\$10.00).~~

~~(e)~~ (d) **Actual filing of license renewal.** A license shall lapse and terminate if a renewal application and required fees have not been filed with the Commission by midnight of the date on which the license is due to expire, except in the event that date falls on a Saturday, Sunday or holiday; in such a case, the next Commission working day shall be considered the due date. A renewal application and required fees are considered filed with the Commission on the date of the United States postal service postmark or the date personal delivery is made to the Commission office.

~~(f)~~ (e) **Reinstatement of license.** Any licensee whose license term has expired shall be considered for reinstatement of ~~same~~ such license upon payment of ~~an amount equal to the current examination fee~~ an Eighty Dollar (\$80.00) reinstatement fee in addition to the license ~~and late~~

penalty fee(s) for each delinquent license period(s). The following documents and fees must be submitted:

(1) **Lapsed less than one year.** In the case of a license lapsed less than one year:

- (A) License ~~and late penalty~~ fee.
- (B) Reinstatement fee.
- ~~(C) National criminal history check.~~
- ~~(D)~~ (C) Documents as required by the Commission.

(2) **Lapsed more than one year but less than three years.** In the case of a license lapsed more than one year but less than three years:

- (A) License ~~and late penalty~~ fee.
- (B) Reinstatement fee.
- (C) National criminal history check.
- (D) A completed reinstatement application.
- (E) Successful completion of the appropriate licensing examination.
- (F) A statement that the applicant has read a current License Code and Rules booklet.
- (G) Documents as may be required by the Commission.

(3) **Lapsed more than three years.** If an application is submitted more than three (3) years subsequent to the most recent year of licensure, the applicant shall be regarded as an original applicant.

~~(g)~~ **(f) Reinstatement of a provisional sales associate license wherein post-license education was completed prior to license expiration date.** An applicant who successfully completed the post-license education requirement before their first license expiration date and failed to renew their license on or before such date shall be eligible to reinstate the license as a sales associate according to 605:10-7-2 ~~(f)~~ (e), (1) through (3).

~~(h)~~ **(g) Reinstatement of a provisional sales associate license wherein post-license education was not completed prior to license expiration date.** An applicant who has not successfully completed the postlicense education requirement prior to the first license expiration date shall not be eligible to reinstate such license and shall apply and qualify as an original applicant.

~~(i)~~ **(h) Reinstatement of revoked license.** An applicant may not apply for re-license or reinstatement of license for a minimum of three (3) years from the effective date of license revocation, except for an applicant whose license was automatically revoked pursuant to Sections 858-402 or 858-604 of Title 59, Oklahoma Statutes. Upon the passage of the three (3) year period, the applicant shall be required to comply with the requirements of an original applicant.

~~(j)~~ **(i) Reinstatement of an automatically revoked license.** An applicant who has had their license automatically revoked, pursuant to Section 858-402 or 858-604 of Title 59 of the Oklahoma Statutes, shall be required to comply with the requirements of ~~(f)~~ (e) of this section. In addition, reinstatement will not be granted until all outstanding amounts due to the Commission have been paid in full.

~~(k)~~ **(j) Reinstatement of a surrendered or cancelled license.** A surrendered or cancelled license applicant may be reinstated provided the applicant has received approval for re-issuance from the Commission. The following forms and fees must be submitted:

(1) **Reinstatement with term of license still current.** A surrendered or cancelled license applicant whose license term is still current:

- (A) ~~Applicable~~ Reinstatement fee ~~equal to the current examination fee.~~
- (B) Re-issuance fee equal to the transfer of license fee.
- (C) Documents as may be required by the Commission.

(D) Criminal history background check.

(2) **Reinstatement with term of license expired.** A surrendered or cancelled license applicant whose license term has expired shall be required to comply with the requirements of ~~(f)~~ (e) of this section.

(3) **Reinstatement of provisional sales associate with term of license expired.** A surrendered or cancelled provisional sales associate whose license term has expired shall be required to comply with the following:

(A) If a provisional sales associate completed the post-license requirement on or before the first license expiration date, the applicant shall be eligible to reinstate the license according to 605:10-7-2 ~~(f)~~(e), (1) through (2).

(B) If a provisional sales associate did not complete the post-license requirement on or before the first license expiration date, the applicant shall be required to apply and qualify as an original applicant.

~~(j)~~ (k) **Continuing education requirement.** Each licensee with the exception of those as listed in Title 59, O.S., Section 858-307.2 (D) seeking renewal of a license must submit evidence that they have completed the continuing education requirements enumerated in Section 858-307.2 of Title 59. An applicant seeking active reinstatement of a lapsed license must submit evidence that all continuing education requirements have been completed for each term in which an active license is requested.

~~(m)~~ **License fees prorated.** If a real estate sales associate qualifies for a license as a real estate broker associate or broker, or if a real estate broker associate qualifies for a license as a real estate broker, the unused license fee shall be credited to the new license fee. The unused license fee credit shall commence with the first full month following the month in which the broker license is to be issued.

~~(n)~~ (l) **License expires after effective date of national criminal history check.**

(1) Any licensee who allows their license to expire for more than one (1) year shall be required to submit to a national criminal history check; however, such individual shall be allowed to proceed with reinstatement of such license pending receipt by the Commission of a completed fingerprint card background check, ~~application Part A~~, and fee as stated elsewhere in these rules for the background search. If, the Commission does not receive a completed ~~Part A of the application, and completed fingerprint card background check~~, and fee within thirty (30) days from the date of request by the Commission, the license will be placed inactive and a hold placed on the license until receipt by the Commission of the aforementioned items. Thereafter, upon receipt by the Commission, the license may be reactivated so long as appropriate reactivation forms and fees, ~~as stated elsewhere in these rules, have been~~ are received by the Commission. ~~However, if the finger print card is rejected for the purposes of a national criminal history check, the Commission will provide written notice to the licensee and the licensee must submit a new and unique fingerprint card to the Commission within thirty (30) days of receipt of such notice or the license will be placed on inactive status.~~

(2) A provisional sales associate who completes the Provisional Post-License Course prior to their first license expiration date but fails to timely renew the license shall be eligible to apply under the requirement under the preceding paragraph. However, after a period of three (3) years from the date of the license expiration such applicant shall no longer be eligible to apply under this section.

~~(m)~~ **(m) Issuance of license from provisional sales associate to sales associate.** A provisional sales associate is required to furnish to the Commission evidence of successful completion of the Provisional Post-license Course of Real Estate, Part II of II education requirement as set forth in Section 858-302 of Title 59, of the Oklahoma Statutes. Upon successful completion of the Provisional Post-license Course of Real Estate, Part II of II education requirement, the provisional sales associate must submit the appropriate document(s) to the Commission prior to the provisional sales associate's license expiration date for issuance of a renewable sales associate license. The Commission shall not issue the provisional sales associate a renewable sales associate license until ~~the end of the provisional sales associate's license term and~~ until the provisional sales associate has submitted evidence of successful completion of the forty-five (45) clock hour postlicense course requirement and submitted all ~~required~~ form(s) and fee(s) as required by the Commission.

~~(n)~~ **(n) Active sales associate to inactive broker associate, or sales associate and/or broker associate to inactive broker license — no remaining credit to be given.** In the event an active sales associate, within six (6) months of obtaining their original license, reinstatement or license renewal qualifies for an inactive broker associate license, the Commission shall not credit the difference in license fees. In the event an active sales associate or broker associate within six (6) months of obtaining their original license, reinstatement or license renewal qualifies for an inactive broker license, the Commission shall not credit the difference in the license fees.

~~(o)~~ **(o) Licensee on active duty as a member of the Armed Forces of the United States.**

(1) In accordance with Title 59, O.S., Section 4100.6 of the Post-Military Service Occupation, Education and Credentialing Act while a license holder is on active duty the license may be renewed without payment of the license and education and recovery fund fee and meeting the continuing education requirement. Such waiver shall be requested in writing to the Commission prior to license expiration along with evidence of the order for active duty. The license issued pursuant to this rule may be continued as long as the licensee is a member of the Armed Forces of the United States on active duty and for a period of at least one (1) year after discharge from active duty. Upon discharge from active duty and a request for license activation, the licensee shall submit to the Commission evidence of successful completion of the continuing education requirement for the current license renewal term.

(2) If a licensee on active duty does not request such a waiver in writing and the license expires, the applicant may, by written request provide the Commission documentation as required in subparagraph (1) of this subsection; however, no later than one (1) year after discharge from active duty.

(3) In the event a license expires during the events as noted herein, the Commission shall waive the criminal history background check and license examination.

(4) **Member of the National Guard or reserve component of the armed forces.** In accordance with Title 72, Chapter 1, Section 48.2 Extension and Renewal of Professional Licenses, any licensee whose license expires while on active duty as a member of the National Guard or reserve component of the armed forces shall be extended until no later than one (1) year after the member is discharged from active duty status. Upon the Commission receiving a copy of the official orders calling the member or reservist to active duty and official orders discharging the member or reservist from active duty all licensee fee and continuing education shall be waived for this time period as well as the criminal history background check and license examination.

~~(p)~~ **(p) Reinstatement for corporation, association or partnership.**

(1) A corporation, association or partnership that has lapsed for less than three (3) years that wishes to reinstate must submit:

(A) License ~~and late penalty fees~~ fee(s).

(B) Reinstatement fee, forms and documents as required by the Commission.

(C) If the corporation or association has been lapsed for more than sixty (60) days, a current "Certification of Good Standing."

(2) Any corporation, association or partnership that has lapsed for more than three (3) years must submit an original application to be considered for licensure.

~~(s)~~ (q) **Reinstatement for branch offices.**

(1) A branch office that is lapsed for less than three (3) years that wishes to reinstate must submit:

(A) License fee(s) ~~and late penalty fees~~.

(B) Reinstatement fee, forms and documents as required by the Commission

(2) Any branch office that has lapsed for more than three (3) years must submit an original application as a new branch office.

~~(t)~~ (r) **Specific license fees waived for low-income individuals.**

In accordance with Title 59, Section 4003, any applicant who can present satisfactory evidence of being a low-income individual shall receive a one-time one-year waiver of the licensure fees as outlined in 605:10-7-2 (a). Such waiver shall be prorated for a multi-year license so that the applicant shall only receive a waiver for one year of the applicable license fees. For the purposes of this section, "low-income individual" means an individual who is enrolled in a state or federal public assistance program, or whose household adjusted gross income is below 140% of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation. Satisfactory evidence that the applicant is a low-income individual must be made upon forms provided by the Commission and must be presented upon application for original licensure.

605:10-7-4. Request for activation or re-issuance of license

(a) **Requirements.** All requests for activation or re-issuance of a license must be accompanied by the appropriate document(s) and fee of ~~Twenty-five Dollars (\$25.00)~~ Forty Dollars (\$40.00) as required by the Commission. Upon activation of an inactive license wherein the licensee paid the reduced inactive license fee rate, the licensee shall be required to pay the remaining active license fee as outlined in 605:10-7-2.

(b) **Multiple change requests on same license.** In the event a licensee's request involves more than one change to the license at the same time, and each individual change requires a separate fee elsewhere in the rules of this Chapter, the Commission shall only require that one fee be charged to reissue the license if the request is done in a timely manner.

(c) **Continuing education and/or experience required for activation.** A licensee requesting activation of a license must have complied with the continuing education requirement as set forth in Section 858- 307.2 of Title 59 of the Oklahoma Statutes and rule 605:10-3-6 and, if applicable, the experience requirement as set forth in Section 858-303 of Title 59 of the Oklahoma Statutes and rule 605:10-3-4 and 605:10-3-4.1. Further, upon a licensee's request for activation being completed and processed, the licensee shall then be required to complete the continuing education requirement for the next license term for which the license is to be renewed active or activated.

(d) **Active status requested, however, Commission unable to activate for reasons as stated in statutes elsewhere.** In the event a licensee requests an active original license, subsequent license renewal, or activation to be issued on active status and for reasons beyond the Commission's

control the licensee is unable to obtain an active license at that time, the fees as received by the Commission shall be retained and not refunded. Once the licensee corrects the problem with the appropriate regulatory agency and such agency authorizes the issuance of an active license, the Commission will then, upon receipt of an activation fee and required documentation, issue an active license.

605:10-7-5. Name changes

(a) **Name change request.** Any change of name of a licensee or licensed firm must be filed in the Commission office within ten (10) days of such change. Filed shall mean the date of the United States postal service postmark or the date personal or electronic delivery is made to the Commission office. ~~The licensee or firm shall return the license certificate to the Commission office along with the request for such name change.~~ Upon any request for a change of name there shall be paid a fee to the Commission of Twenty-five Dollars (\$25.00) for each license to be changed. The Commission may require additional documents as may reasonably be required by the Secretary-Treasurer.

(b) **Group name changes.** Under certain circumstances as determined by the Commission, the Commission may place a cap of Seven Hundred Fifty Dollars (\$750.00) on group transactions requesting licenses to be reissued. To qualify, such request must be received complete and require no further correspondence and/or documents except for the issuance of the licenses.

605:10-7-6. Certification of license history

Each request for a certification of license history shall be submitted electronically or in the form of a letter to the Commission accompanied by a fee of Fifteen Dollars (\$15.00).

605:10-7-7. Branch offices

(a) **Each additional office must be licensed.** If a broker desires to do business from more than one office location, the broker must license each additional office location as a branch office by submitting forms and fees as required by the Commission. The license shall be maintained in the branch office and available upon request.

(b) ~~Associate's license issued to branch office issuance.~~ Associate's license shall be issued to electronically and maintained in the office to which the associate is assigned each Associate's License Portal under the supervision of the Branch Broker and Managing Broker.

(c) **Broker to designate a branch office broker to act.** A broker shall designate a branch office broker, other than himself or herself, to act as broker for each location, to supervise the activities of the branch office. The branch office shall be licensed in conformance with Section 858-310 of the Code. The branch office broker may be designated to perform all duties and sign documents on behalf of the broker with respect to the branch office at the discretion of the broker. Such designation shall be in writing and filed with the Commission. The branch office broker assumes ~~the~~ responsibility in conjunction with the broker, for all associates assigned to the branch office.

(d) **Broker may act as branch office broker; restriction.** A broker may act as the branch office broker if the branch office is located at the same location as the main office upon the appropriate documents and fees being filed with the Commission.

(e) **Reappointment of branch office broker.** In the event of the death or disability of the designated branch office broker, or in the event of the retirement or cessation of employment for any reason by the designated branch office broker, and the branch office is to continue business, the main office broker shall appoint a new branch office broker and file the appropriate documents with the Commission within thirty (30) days of the occurrence of the event.

(f) **Branch office must utilize the same name or trade name of main office.** A branch office may utilize a trade name which is different than the main office so long as the broker registers the name(s) with the Commission.

605:10-7-8. Corporation and Association licensing procedures and requirements of good standing

(a) **Broker license requirement.** Each corporation and association who performs activities which require a real estate license pursuant to Title 59, O.S., Section 858-102 of the License "Code" shall apply as a real estate ~~broker~~ business entity. Upon approval by the Commission, the corporation or association shall be granted a real estate ~~broker~~ license. In order to obtain a license, the corporation or association shall furnish to the satisfaction of the Commission, but not limited to, the following items:

- (1) Completed application form(s) and required fee(s).
- (2) Verification that the corporation or association is authorized to transact business as a ~~corporation~~ business entity in the State of Oklahoma and that the corporation or association is in good standing in the State of Oklahoma.
- (3) Corporation or association must be in compliance with Title 59, O.S., Section 858-312.1 of the License "Code."
- (4) Corporation or association must have a managing corporate broker who holds a separate license as a real estate broker.
- (5) The designation of a managing ~~corporate~~ broker shall be established by sworn statement signed by the President of the corporation or authorized member or manager of the association stating the date and place such action was effected.
- (6) In the event of the death or disability of the managing ~~corporate~~ broker, or the event of the retirement or cessation of employment for any reason by the managing ~~corporate~~ broker, or the event of the retirement or cessation of employment for any reason by the managing ~~corporate~~ broker, the corporation or association shall be required to appoint a new managing ~~corporate~~ broker and such notice of change must be filed ~~in~~ with the Commission ~~office~~ no later than thirty (30) days ~~of~~ after the occurrence of the event. The notice of change in a managing ~~corporate~~ broker must be accompanied by the appropriate documents as required by the Commission and a ~~Twenty five Dollar (\$25.00)~~ Forty Dollar (\$40.00) change of status fee.
- (7) ~~The corporation is to~~ Corporations and associations must notify the Commission in writing within ten (10) days of the date of a change in corporate officers or association members.

(b) ~~Corporation and managing corporate~~ **Business entity and managing broker responsible for acts.** The managing ~~corporate~~ broker in conjunction with the corporation or association is responsible for all acts of the ~~corporation~~ business entity, including the acts of all associates associated with the ~~corporation~~ entity.

(c) ~~Corporation~~ **Business entity closing requirements or partial ceasing of real estate activities.** When a corporation or association discontinues a portion of real estate activities or ceases all real estate activities, the ~~corporation~~ business entity is required to comply with the following:

- (1) Immediately notify the Commission.
- (2) Comply with Section 605:10-13-1(n).

(d) **Group change information.** Under certain circumstances as determined by the Commission, the Commission may place a cap of Seven Hundred Fifty Dollars (\$750.00) on group transactions requesting Licenses to be issued. To qualify, such request must be received complete and require no further correspondence and/or documents except for the issuance of the licenses.

~~(e) **Limited liability company.** A limited liability company shall be considered as an association.~~

~~**605:10-7-8.2. Association licensing procedures and requirements of good standing**~~

~~(a) **Broker license requirement.** Each association who performs activities which require a real estate license pursuant to Title 59, O.S., Section 858-102 of the License “Code” shall apply as a real estate broker. Upon approval by the Commission, the association shall be granted a real estate broker license. In order to obtain a license, the association shall furnish to the satisfaction of the Commission, but not limited to, the following items:~~

~~(1) Completed application form(s) and required fee(s).~~

~~(2) Verification that the association is authorized to transact business as an association in the State of Oklahoma and that the association is in good standing in the State of Oklahoma.~~

~~(3) Association must be in compliance with Title 59, O.S., Section 858-312.1 of the License “Code”.~~

~~(4) Association must have a managing member or manager who holds a separate license as a real estate broker.~~

~~(5) The designation of a managing broker member or manager shall be established by sworn statement signed by an authorized member or manager of the association stating the date and place such action was effected.~~

~~(6) In the event of the death or disability of the managing broker member or manager, or in the event of the retirement or cessation of employment for any reason of the managing broker member or manager, the association shall be required to appoint a new managing broker member or manager and such notice of change must be filed in the Commission office no later than thirty (30) working days of the occurrence of the event. The notice of change in a managing broker member or manager must be accompanied by the appropriate documents as required by the Commission and a Twenty five Dollar (\$25.00) change of status fee.~~

~~(b) **Association and managing broker member or manager responsible for acts.** The managing broker member or manager in conjunction with the association is responsible for all acts of the association, including the acts of all associates associated with the association.~~

~~(c) **Association closing requirements or partial ceasing of real estate activities.** When an association discontinues a portion of the real estate activities or ceases all real estate activities, the association is required to comply with the following:~~

~~(1) Immediately notify the Commission.~~

~~(2) Comply with Section 605:10-13-1 (n).~~

~~(d) **Limited liability company.** A limited liability company shall be considered as an association.~~

~~(e) **Group change information.** Under certain circumstances as determined by the Commission, the Commission may place a cap of Seven Hundred Fifty Dollars (\$750.00) on group transactions requesting licenses to be issued. To qualify, such request must be received complete and require no further correspondence and/or documents except for the issuance of the licenses.~~

~~**605:10-7-8.4. Managing broker, broker proprietor or branch broker’s corporation or association** Corporations or Associations formed for the purpose of receiving compensation~~

~~Within the meaning of subsection 14 of Section 858-312 of the “Code” payment of a commission by a broker to a managing broker’s, broker proprietor’s or branch broker’s broker or associate’s corporation or association does not constitute a payment of a fee (commission) to an unlicensed person provided the corporation or association and the managing broker, broker proprietor or branch broker broker and/or associate abide by the following requirements:~~

~~(1) The corporation or association shall not perform any act requiring a real estate license and shall not hold itself out as engaged in such activity.~~

- (2) ~~The managing broker, broker proprietor or branch broker licensee requesting registration with the Commission must have an active individual real estate license.~~
- (3) ~~The managing broker of the branch broker must provide approval to the Commission a written statement approving of the branch broker's broker or associate's corporation or association.~~
- (4) ~~The managing broker, broker proprietor or branch broker licensee requesting registration with the Commission must be the majority stockholder and president of the corporation or majority member of the association.~~
- (5) ~~Ownership of a managing broker's, broker proprietor's or branch broker's the broker or associate's corporation or association is limited to spouses and blood relatives.~~
- (6) ~~The corporation or association shall not advertise nor receive referral fees or commissions except from the broker.~~
- (7) ~~The managing broker, broker proprietor or branch broker licensee requesting registration with the Commission must pay a forty dollar (\$40.00) registration fee and file a written statement make the following declarations to the Commission: with the Commission including the following:~~
- (A) ~~A statement that the managing broker, broker proprietor or branch broker licensee requesting registration with the Commission is the majority stockholder and president of the corporation or majority member of the association.~~
 - (B) ~~Names and relations of all officers/members and/or stockholders.~~
 - (C) ~~Verification that the association or corporation is in good standing with the Oklahoma Secretary of State.~~
- (8) An individual broker or associate may only register one corporation or association for the purpose of receiving compensation.

605:10-7-11. Applicant criminal history

- (a) This section establishes the criteria utilized by the Commission in determining the effect of criminal history on applicant eligibility for real estate licensure and certification. This section applies to:
- (1) All individuals seeking to obtain a real estate license;
 - (2) All individuals seeking an initial determination of their eligibility to obtain a real estate license.
- (b) The Commission shall maintain a list of felony crimes that disqualify an applicant from obtaining a real estate license within ten (10) years of completion of the criminal sentence, including parole and probation. The felony crimes included on the list substantially relate to the practice of real estate and pose a reasonable threat to public safety for the reasons stated below:
- (1) Real Estate Licensees have unique access to residential homes and commercial buildings.
 - (2) Real Estate Licensees have daily contact with the public and individuals in the occupation.
 - (3) Real Estate Licensees play a vital role in assisting the public with substantial long-term financial obligations.
- (c) The Commission's list of disqualifying felony crimes is available on the Commission's website or upon request by contacting the Commission office.
- (d) Individuals may request an initial determination from the Commission regarding whether the individual's criminal history disqualifies that individual from obtaining a real estate license. Such request must be in writing and directed to the Oklahoma Real Estate Commission. The individual must submit a copy of their criminal history and any related documents and court records that specify the criminal history of the individual. A ~~ninety five dollar (\$95.00)~~ fifty dollar (\$50.00)

fee shall accompany any request for initial determination. The fee shall be collected by the Commission prior to the determination.

(e) Individuals may appeal the Commission's initial determination of disqualification by submitting a request in writing of the circumstances the individual would like the Commission to consider. The Commission may discuss the individual appeals at any scheduled meeting of the Commission. The individual may be allowed to address the Commission during public comment by signing in at the beginning of the meeting at which the appeal may be on the agenda.

SUBCHAPTER 9. BROKER'S OPERATIONAL PROCEDURES

605:10-9-1. Place of business and broker requirements

(a) **Place of business.** Each broker shall maintain a specific place of business, and supervise a brokerage practice which is available to the public during reasonable business hours. Each broker shall be available to manage and supervise such brokerage practice and comply with the following:

~~(1) The broker's license, as well as those of all licensees associated with the broker, must be maintained in the place of business as registered with the Commission and available upon request.~~

~~(2)~~(1) The place of business shall consist of at least one enclosed room or building of stationary construction wherein negotiations and closing of real estate transactions of others may be conducted and carried on with privacy and wherein the broker's books, records and files pertaining to real estate transactions of others are maintained.

~~(3)~~(2) Each broker shall register for each place of business a physical business address and office telephone number(s).

(b) **Branch offices.** If a broker maintains one or more places of business, the additional places of business shall be referred to as a branch office. ~~Each associate's license shall be issued to and available upon request in the office to which the associate is assigned whether that be the main place of business or branch office.~~

(c) **Office located at residence.** The office may be in the residence of the broker.

(d) **Associates not permitted to have an office.** Associates are not permitted to have a place of business, but must be registered with a place of business maintained and registered in the name of the broker.

(e) **Licenses issued to place of business.** All licenses will be issued ~~to the street address of the place of business, unless the United States postal service refuses to deliver mail when addressed in such manner.~~ electronically to each licensee in the individual License Portal.

(f) **Broker may be broker for more than one firm.** A broker may be the broker for more than one firm so long as the firms are at the same location.

(g) **Broker is responsible for acts of unlicensed assistants.** A broker is responsible for all real estate related activities of any unlicensed assistant working within the firm.

605:10-9-3. Trade names

Each licensed broker or entity must register in writing to the Commission all trade names used in connection with real estate activities prior to the trade name being advertised or displayed in any way. Further, each broker is to notify the Commission in writing of all deleted or unused trade names. The registration of each trade name must be accompanied by a ten dollar (\$10.00) registration fee.

SUBCHAPTER 11. ASSOCIATE'S LICENSING PROCEDURES

605:10-11-2. Associate licenses

(a) **License issuance and change request.** Each associate license shall be issued ~~to the associate's broker, who shall retain custody of the license~~ electronically to each associate through the individual License Portal. Upon an associate leaving the association of the broker, the associate's license shall be ~~returned to the Commission, updated electronically after receiving a release or transfer executed by the broker, together with a release executed by the broker.~~ Any change of association from one firm to another, or relocation from one office to another within a firm by an associate must be filed in the Commission office within ten (10) days. The associate's new broker shall be required to provide consent to sponsor the associate with the Commission. ~~file a consent agreement to sponsor the associate on a form provided by the Commission.~~ An associate requesting an association or office change shall be required to pay a fee of Forty Dollars (\$40.00).

(b) **Broker refusal to release associate.** In the event a broker refuses for any reason to release an associate, the associate shall notify the broker by certified mail in writing of the disassociation and furnish the Commission a sworn statement that the notification has been sent to the broker. Upon receipt by the Commission of the aforementioned statement, the Commission shall release the licensee.

(c) **Group change requests.** Under certain circumstances as determined by the Commission, the Commission may place a cap of Seven Hundred Fifty Dollars (\$750.00) on group transactions requesting licenses to be reissued. To qualify, the request must be received complete and require no further correspondence and/or documents except for the issuance of the licenses.

(d) **Associates transfer.** When an affiliated associate leaves a broker for whom the associate is acting, the broker shall ~~immediately cause the license of that associate to be forwarded to the Commission along with a release of association form.~~ The broker shall make every attempt to notify the associate of the disassociation.

(e) **Active associate may continually act.** An active associate transferring from one broker to a new broker may continually act if the change is done in a timely manner and in compliance with the ten (10) day notification requirement and other applicable rules of this Chapter.

(f) **Compensation due a disassociated associate.** A previous broker may pay compensation due a disassociated associate directly to the associate and not be required to make the payment through the associate's new broker. However, any agreements between the associate and prior broker requiring further activities to be performed in connection with the compensation to be received, can only be performed with consent and acknowledgement of the new broker.

(g) **Change of home address.** An associate is required to notify the Commission office of his or her current home address. The change shall be filed in the Commission office within ten (10) days of change. No fee is required to change the licensee's records; however a fee of Forty Dollars (\$40.00) will be charged if the change requires a new license to be issued.

~~605:10-11-3. Associate's corporation or association formed for the purpose of receiving compensation~~

~~Within the meaning of subsection 14 of Section 858-312 of the "Code" payment of a commission by a broker to an associate's corporation or association does not constitute a payment of a fee (commission) to an unlicensed person provided the corporation or association, the associate and the broker, abide by the following requirements:~~

- ~~(1) The associate's corporation or association shall not perform any act requiring a real estate license and shall not hold itself out as engaged in such activity.~~

- ~~(2) The associate must have an active individual real estate license.~~
- ~~(3) The broker of the associate must provide the Commission a written statement approving of the associate's corporation or association.~~
- ~~(4) The associate must be the majority stockholder and president of the corporation or majority member of the association.~~
- ~~(5) Ownership of an associate's corporation or association is limited to spouses and blood relatives.~~
- ~~(6) The associate's corporation or association shall not advertise nor receive referral fees or commissions except from the associate's broker.~~
- ~~(7) The broker and associate must complete and sign a Commission approved form that includes the following:~~
 - ~~(A) A statement that the associate is the majority stockholder and president of the corporation or majority member of the association.~~
 - ~~(B) Names and relation of all officers/members and/or stockholders.~~
 - ~~(C) Verification that the association or corporation is in good standing with the Oklahoma Secretary of State.~~
- ~~(8) An associate may only register one corporation or association for the purpose of receiving compensation.~~

SUBCHAPTER 17. CAUSES FOR INVESTIGATION; HEARING PROCESS; PROHIBITED ACTS; DISCIPLINE

605:10-17-2. Complaint procedures

- (a) **Complaint may be filed by public or Commission's own motion.** A complaint alleging misconduct on the part of a licensee or any person unlicensed pursuant to the Code who violates provisions of the Code may be filed by any person in writing on a form for such supplied by the Commission, or may be ordered by the Commission on its own motion. The Commission will accept a complaint alleging misconduct on a form not supplied by the Commission if such form is notarized by a notary public.
- (b) **Complaint notification; licensee response.** When a complaint has been filed the licensee or unlicensed person pursuant to the Code shall be immediately notified and shall be required to file an adequate written response within fifteen (15) days of the notice.
- (c) **Investigation and/or investigative session.** Subsequent to the fifteen (15) day answer period, ~~a field investigation or preliminary investigative session~~ the Commission may continue to investigate the complaint ~~may be conducted~~ to ascertain whether or not charges should be lodged and a formal hearing ordered. Such investigation ~~or investigative session~~ shall be under the supervision of the Secretary-Treasurer of the Commission. He or she may designate an attorney who will act as prosecutor for the Commission to examine ~~the~~ any results of the ~~field investigation and/or conduct a preliminary investigative session.~~ The prosecutor so designated may in the name of the Commission subpoena witnesses, take testimony by deposition and compel the production of records and documents bearing upon the complaint.
- (d) **Findings reported to Commission.** At the completion of the investigation ~~or investigative session~~, a written report accompanied by findings, if any, ~~shall~~ may be submitted to the Commission. Following receipt of the report, the Commission shall determine whether or not the apparent evidence warrants lodging formal charges and ordering a formal hearing, and if a formal hearing is ordered all parties shall then be furnished with copies of ~~any~~ a written report accompanied by findings, if any.

605:10-17-3. Complaint hearings; notice and procedures

(a) **Summary suspension.** If the Commission finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action within thirty (30) days. The summary suspension shall remain in effect until further order by the Commission.

(b) **Formal hearing ordered; notification.** Except as provided in (a) of this section, the Commission may issue a disciplinary order only after entering into a consent order with respondent(s) or after a hearing of which licensee or unlicensed person pursuant to the Code affected shall be given at least fifteen (15) days written notice, specifying the offenses of which the licensee or unlicensed person pursuant to the Code is charged. Such notice may be served as provided by law for service of notices, or by mailing a copy by certified mail to the last known address. If the licensee is an associate associated with a broker, the Commission in like manner shall notify the broker with whom associated.

(c) **Formal hearing location.** The hearing on such charges shall be set at such time and place as the Commission through its Secretary-Treasurer may prescribe and the notice in (b) of this section shall specify this time and place.

(d) **Formal hearing before Commission; hearing examiner or selected panel.** The Secretary-Treasurer shall schedule each formal disciplinary hearing before a Hearing Examiner, a selected panel of the Commission, or the Commission as a whole. In the case of a proceeding conducted by the Commission as a whole or a panel of the Commission, the Chairman or his/her designee shall preside. Designated counsel shall advise the Chair as to rulings upon the questions of admissibility of evidence, competence of witnesses and any other question of law where such ruling is required or requested.

(e) **Request for postponement.** Once a hearing has been scheduled, the Secretary-Treasurer may for sufficient cause postpone or reschedule a hearing upon proper motion or request having been filed with the Commission office seventy-two (72) hours prior to the hearing.

(1) Each postponement request must be in writing and must state the specific reason(s) for the request.

(2) The Commission may require official documentation supporting such request.

(3) An emergency postponement request shall be considered at the time of the emergency.

(4) The granting of a continuance whether general or emergency, shall not be interpreted to deny the Commission the power to impose summary suspension if the Commission finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its Order, summary suspension of a license may be ordered pending proceedings for revocation or other action within thirty (30) days.

(f) **Hearings public; witnesses may be excluded.** All hearings shall be public except that upon motion of either party, witnesses may be excluded from the hearing room when such witness is not testifying.

(g) **Court reporter.** A court reporter shall be present to record the proceedings on behalf of the Commission. Any person desiring a copy of the transcript of the proceedings, may purchase such from the reporter.

(h) **Formal hearing procedures.** The designated attorney for the State shall present the State's case. The respondent may present his or her own evidence or may present such through his or her own counsel. If the charges against the respondent resulted from a complaint filed by a party present at the hearing, the complaining party may be a witness for the State. In order that the

hearing will not be encumbered by evidence having no bearing on the issues, testimony by all witnesses will be limited to matters relevant to the issues involved. The order of procedure shall be as follows:

- (1) Recitation of the statement of charges by the person presiding.
- (2) Opening statement by the State.
- (3) Opening statement by the respondent.
- (4) Presentation of the State's case followed by cross-examination ~~and questioning by the Hearing Examiner or Hearing panel.~~
- (5) Respondent's presentation followed by cross-examination ~~and questioning by the Hearing Examiner or hearing panel.~~
- (6) Closing arguments by the State.
- (7) Closing arguments by the respondent.
- (8) The Hearing Examiner or hearing panel may ask the parties questions consistent with general trial practices under the Administrative Procedures Act.

(i) **Order; hearing before Commission.** If the case be heard by the Commission as a whole, the Commission shall deliberate and render a decision with confirmation of such decision in writing in the form of an Order distributed to all parties by mail.

(j) **Proposed order consideration; hearing before hearing examiner or panel.** In the case of a hearing conducted by a panel of the Commission or by a Hearing Examiner, following the hearing, the Hearing Examiner or attorney sitting as counsel to the panel shall prepare a proposed Order to be considered by members of the Real Estate Commission at a future meeting.

(k) **Proposed order notification; written exceptions.** ~~Affected parties~~ All respondents will be furnished copies of the proposed Order and notified as to the date the proposal will be considered by the Commission for adoption. At the same time, notice will also be given to the parties that written exceptions or requests to present oral exceptions or arguments, if any, should be submitted on or before a designated date pursuant to Section 311, of Title 75, Oklahoma Statutes. Upon adoption of the Order by the Commission as a whole, the adopted Order shall be distributed to all parties.

(l) **Actual notification pertaining to this Section.** For purposes of this Section, notice shall be deemed to have been given at the time that notice is deposited in the United States mail with proper postage thereon and mailed to the last known address of the notified person, or date when such notice is served in person by a person duly authorized as a representative of the Commission.

(m) **Violation found.** If the Commission shall determine that any licensee or unlicensed person pursuant to the Code is guilty of violation of the "Code," such person may be disciplined in the manner as prescribed in such "Code."

605:10-17-4. Prohibited dealings

Within the meaning of subsection 8 of Section 858-312 of the "Code," untrustworthy, improper, fraudulent or dishonest dealing shall include, but not be limited to, the following:

- (1) The making of a brokerage service contract without a date of termination.
- (2) Purchasing of property by a licensee for himself or herself or another entity in which the licensee has an interest as defined in 605:10-15-1 (c), if such property is listed with the broker or the broker's firm, without first making full disclosure thereof and obtaining the approval of the owner, or the failure by the licensee to exert the licensee's best effort in order to later purchase or acquire the property for themselves or another entity in which they have an interest as defined in 605:10-15-1 (c).

- (3) Repeated misrepresentations, even though not fraudulent, which occur as a result of the failure by the licensee to inform himself or herself of pertinent facts concerning property, as to which he or she is performing services.
- (4) Procuring the signature(s) and dates of such signature(s) to a purchase offer or contract or to any lease or lease proposal which has no definite maximum purchase price or lease rental, or no method of payment, termination date, possession date or property description.
- (5) The payment of any fees or amounts due the Commission with a check that is dishonored upon presentation to the bank on which the check is drawn.
- (6) Lending a broker's license to an associate; permitting an associate to operate as a broker; or failure of a broker to properly supervise the activities of an associate. A broker permitting the use of the broker's license to enable an associate licensed with the broker to, in fact, establish and conduct a brokerage business wherein the broker's only interest is the receipt of a fee for the use of the broker's sponsorship.
- (7) Failure to make known in writing to any purchaser any interest the licensee has in the property they are selling.
- (8) Failure of the licensee to inform the buyer and seller in writing at the time the offer is presented that the buyer and seller will be expected to pay certain closing costs, brokerage service costs, and approximate amount of said costs.
- (9) Failure, upon demand in writing, to respond to a complaint in writing, or to disclose any information within licensee's knowledge, or to produce any document, book or record in licensee's possession or under licensee's control that is real estate related and under the jurisdiction of the Real Estate Commission, for inspection to a member of the Commission staff or any other lawful representative of the Commission.
- (10) Failure to reduce an offer to writing, when a proposed purchaser requests such offer to be submitted.
- (11) Failure to submit all bona fide offers to an owner when such offers are received prior to the seller accepting an offer in writing.
- (12) Any conduct in a real estate transaction which demonstrates bad faith or incompetency.
- (13) Failure to act, in marketing the licensee's own property, with the same good faith as when acting in the capacity of a real estate licensee.
- (14) An associate who does not possess the license of a broker or branch office broker as defined in the rules, but is intentionally acting in the capacity of a broker or branch office broker.
- (15) Discouraging a party from obtaining an inspection on a property.
- (16) Allowing access to, or control of, real property without the owner's authorization.
- (17) Knowingly providing false or misleading information to the Commission during the course of an investigation.
- (18) Interfering with an investigation by means of persuading, intimidating or threatening any party or witness, or tampering with or withholding evidence relating to the investigation.
- (19) Knowingly cooperating with an unlicensed person or entity to perform licensed real estate activities as required by Title 59 O.S. Section 858-301.
- (20) Failing to disclose any known immediate family relationship to a party to the transaction for which the broker is providing brokerage services.

- (21) Failure by a broker to ensure all persons performing real estate licensed activities under the broker are properly licensed.
- (22) An associate shall not perform licensed activities outside their broker's supervision.
- (23) Failing to maintain documents relating to a trust account or real estate transaction for the time period as required by Rule 605:10-13-1.