

MISSOURI REAL ESTATE
COMMISSION -

Owners dealing in their own real
estate not required to have
license.

March 6, 1942

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Missouri Real Estate Commission
Jefferson City, Missouri

Attention - Mr. J. W. Hobbs, Secretary

FILE
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Dear Sir:

We are in receipt of your request for an opinion,
under date of March 3, 1942, in regard to two questions
concerning the Missouri Real Estate Commission Act.

I

Your first question reads as follows:

"The Commission would like to ask
for an opinion from your office on
the following. We have received
a letter from the Union Electric
Land and Development Company which
owns approximately 50,000 acres of
resort, hill lands in six counties
surrounding the Lake of the Ozarks
and they wish to be advised if they
would come under the law requiring
a license. The Company pays sala-
ries to their employees in the dis-
posal of this land however, they
make contracts with real estate
brokers in all other counties of
Missouri that they pay a commission
to on sales that are made. I am
enclosing their letter which ex-
presses their desire and request."

Section 3, of the Missouri Real Estate Commission Act, Laws of Missouri, 1941, page 425, partially reads, as follows:

"A real estate broker is any person, copartnership association or corporation, foreign or domestic, who advertises, claims to be or holds himself out to the public as a LICENSED real estate broker or dealer and who for a compensation or valuable consideration, as a whole or partial vocation, sells or offers for sale, buys or offers to buy, exchanges or offers to exchange the real estate of others; or who leases or offers to lease, rents or offers for rent the real estate of others; or who loans money for others or offers to negotiate a loan secured or to be secured by a deed of trust or mortgage on real property. A real estate salesman, within the meaning of this act, is any person, who for a compensation, or valuable consideration becomes associated, either directly or indirectly with a real estate broker to do any of the things above mentioned, as a whole or partial vocation. This act shall not apply to rent collectors or counter clerks employed in the rental department of the office of a real estate broker. This act shall not apply to any person, copartnership, association or corporation who as owner or lessor performs any of the acts aforesaid, with reference to property owned or leased by them, nor to their employees in the regular course of the ownership and management of such property; * * * "

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Under the above Section, and under the facts stated in your letter, and the letter of H. C. Williamson, real estate and tax officer of the Union Electric Company of Missouri, the real estate involved belongs to the Union Electric Land and Development Company, and comes within the exemption as set out in above Section 3.

It is, therefore, the conclusion of this department that the Union Electric Land and Development Company, in selling and leasing property belonging to the corporation, is not compelled to obtain a real estate license for the company or for its salesmen.

II

Your second question reads as follows:

"The Commission would also like your opinion on about the last part of Section 7 as to whether under that Section of the Act that they could deny a license to applicants who bear a good reputation to honesty, integrity and fair dealing, but who have no previous experience in the real estate business."

Section 7 of the Missouri Real Estate Commission Act, Laws of Missouri, 1941, page 427, reads as follows:

"A license shall be granted only to persons who bear, and to corporations or associations whose officers bear, a good reputation for honesty, integrity, fair dealing, and who are competent to transact the business.

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of a real estate broker or a real estate salesman in such manner as to safeguard the interests of persons whom they represent."

It is very noticeable, under this Section, that the following is used:

" * * who are competent to transact the business of a real estate broker or a real estate salesman in such manner as to safeguard the interests of persons whom they represent."

Under the above partial section if the Commission, in its discretion, believes that the person who is making application for a license is not competent to represent persons in a real estate transaction, it may, upon proper notice, give the applicant a hearing, and, in its discretion refuse the application for the license.

Respectfully submitted

W. J. BURKE
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General of Missouri

WJB:RW