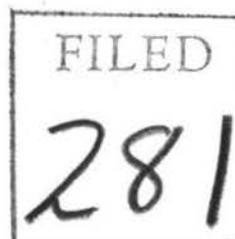


May 28, 1968

OPINION NO. 281  
Answered by Letter-Lorch

Mr. James Flanagan, Chairman  
Missouri Real Estate Commission  
1710 Commerce Tower  
Kansas City, Missouri



Dear Mr. Flanagan:

This is in reply to your opinion request of May 7, 1968, asking whether auctioneers should be licensed under the Missouri Real Estate License Law.

Section 339.010, RSMo Supp. 1967, is the section relating to those individuals required to be licensed and is set out below in pertinent part:

" \* \* \* nor shall this chapter apply to  
a \* \* \* auctioneer employed by the owner  
of the property \* \* \* "

As set out above, this section clearly contemplates the sale of real property by an auctioneer and states that Chapter 339 does not apply to auctioneers employed by the owner to sell the property at auction.

For this reason, it is the opinion of this office that auctioneers do not need to obtain a real estate license to sell real property at auction when employed by the owner of the real property. However, it should be noted, that any sale of real property for others in a manner other than at auction or engaging in any other activity which constitutes real estate brokerage as defined by Section 339.010, RSMo

Mr. James Flanagan

Supp. 1967, requires licensing under Chapter 339. In other words, the mere fact that an individual is an auctioneer does not entitle him to act as a real estate broker or salesman except as contemplated by Section 339.010, supra, that being the sale of real property at auction.

Yours very truly,

NORMAN H. ANDERSON  
Attorney General

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