

MISSOURI REAL ESTATE
COMMISSION : - Alien may obtain license.

March 19, 1942

3/21/42



Missouri Real Estate Commission
Jefferson City, Missouri

Attention - Mr. J. W. Hobbs, Secretary

Dear Sir:

We are in receipt of your request for an opinion,
which reads as follows:

"May the commission request an opinion
in regard to the following.

"Can the Commission deny a license to
an applicant that is an alien, also
would they have authority to deny a
license to an applicant that is an
alien but had filed and received his
first naturalization papers."

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, in-
tegrity, fair dealing, and 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."

The above section does not provide that the person obtaining a license must be a citizen of the United States. Under Section 8920 R. S. Missouri, 1939, the legislature saw fit to compel an alien to obtain a fish license, and, for that reason we believe that it was not the intention of the legislature in the Missouri Real Estate Commission Act to prohibit the issuing of a real estate salesman's license to an alien.

Section 41, Title 8, U. S. C. A. reads as follows:

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. R. S. Sec. 1977."

Under Section 10, of Article VIII of the Constitution of the State of Missouri, an alien is ineligible to hold public office, but the granting of a license to an alien to sell real estate under the Missouri Real Estate Commission Act is not a grant of office. It is also held, under Section 15230 R. S. Missouri, 1939, that an alien cannot hold real estate except by devise, descent or by reason of protection of a debt. After a careful search

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we find no statute in Missouri that would prohibit an alien from obtaining a license to sell real estate.

CONCLUSION

Under the above authorities, it is the opinion of this department, that the Missouri Real Estate Commission may grant a license as a real estate salesman to an alien, but, cannot deny a license if the alien, applicant, can qualify under Section 7, of the Missouri Real Estate Commission Act, Laws of Missouri, 1941, Page 427.

Respectfully submitted

W. J. BURKE
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General of Missouri

WJB:RW