

MISSOURI REAL ESTATE
COMMISSION:

Question of division of commissions

April 15, 1942



Missouri Real Estate Commission
Jefferson City, Missouri

Attention - Mr. J. W. Hobbs, Secretary.

Gentlemen:

We are in receipt of your letter of April 10, in which you request an official opinion upon the following:

"A licensee doing business in a Missouri border county to the State of Kansas has been approached by a citizen of the State of Kansas. He is not in the real estate business but has two prospective buyers for farms that the Missouri licensee has a sale of. Although he is not in the real estate business it entails time and expense for him to bring the prospective buyers to the Missouri licensee and he wants to be paid for his efforts. Can the Missouri licensee pay part of his commission to a citizen of some other State without violating the Missouri Real Estate License Law?"

The statute applicable to the above question, is Section 15, of the Missouri Real Estate Commission Act, page 430, Laws of Missouri, 1941, which reads as follows:

"No real estate broker shall pay any part of a fee, commission or other compensation received by the broker to any per-

April 15, 1942

son for any service rendered by such person to the broker in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such a person is a licensed real estate salesman regularly associated with such broker, or a licensed real estate broker, or a person regularly engaged in the real estate brokerage business outside of the State of Missouri."

Under the above section a real estate broker is prohibited from paying any part of a fee for any services rendered in the negotiation of the sale of property, unless the other person is a licensed real estate salesman, regularly associated with the broker or the other person is a licensed real estate broker, or if the other person is regularly engaged in the real estate brokerage business outside the State of Missouri.

Under the facts set out in your request, you state that the citizen of the State of Kansas is not in the real estate business.

Also, under Section 17 of the Missouri Real Estate Commission Act, a person who divides fees with another person out of the State, who is not in the real estate business is guilty of a misdemeanor and the penalty assessed may be a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment, and if a corporation, shall be punished by a fine of not more than One Thousand (\$1,000.00) Dollars.

CONCLUSION

In view of the above authorities, it is the opinion of this department that a licensee doing business in Missouri cannot pay any part of his fees to a non-resident who

Missouri Real Estate
Commission

-3-

April 15, 1942

is not in the real estate business, even though the non-resident aided in the consummation of the closing of the real estate deal.

Respectfully submitted

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APPROVED:

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Attorney General of Missouri

WJB:RW