



WYOMING REAL ESTATE COMMISSION

TO:	Real Estate Brokers
FROM:	Wyoming Real Estate Commission
SUBJECT:	Unlicensed Individuals/Personal Assistants/Secretaries

The use of personal assistants has grown considerably in recent years. Personal assistants are generally thought of as unlicensed persons performing various functions as employees (including clerical support) of a real estate broker or salesperson within the framework of a real estate office. The Commission recognizes the growth in the utilization of such assistants. Inquiries generally fit into two categories: (1) whether the activity performed is one which requires a license, and (2) what are the supervisory responsibilities of the broker.

The license law prohibits unlicensed persons from negotiating, listing or selling real property. Therefore, foremost to the use of personal assistants is careful restriction of their activities so as to avoid illegal brokerage practice. Personal assistants may complete forms prepared and as directed by licensees but should never independently draft documents such as listing and sales contracts, nor should they offer opinions, advice or interpretations. They should not distribute information on listed properties other than that prepared by the broker or salesperson.

The Wyoming Real Estate Commission issues the following guidelines for unlicensed individuals who assist licensees. The list is not exhaustive and agents must refer to the License Law, W.S. 33-28-102 (a) (iii) when utilizing the services of unlicensed individuals.

AN UNLICENSED INDIVIDUAL MAY:

1. Perform clerical duties, office filing.
2. Draft a document for approval by the licensee.
3. Place or remove signs.
4. Witness signatures.
5. Perform company bookkeeping.
6. Arrange for repairs on rental property.
7. Draft correspondence for approval by licensee.
8. Make and deliver copies of any public records.
9. Answer the telephone, forward calls, take messages, make appointments.
10. Write newsletters.
11. Write, design and place ads for approval by the responsible broker.
12. Develop and maintain mailing lists- clerical duties only.
13. Schedule inspections.
14. Gather information for listing.
15. Accept rental payments and issue receipts.
16. Provide access to a property and hand out preprinted, objective information, so long as no negotiating, offering, selling or contracting is involved.
17. Distribute preprinted, objective information at an open house, so long as no negotiating, offering, selling or contracting is involved.
18. Distribute information on listed properties.
19. Deliver paperwork to other brokers.
20. Deliver paperwork to sellers or purchasers, if such paperwork has already been reviewed by a broker.
21. Deliver paperwork requiring signatures in regard to financing documents that are prepared by lending institutions.
22. Prepare market analyses for sellers or buyers on behalf of a broker, but disclosure of the name of the preparer must be given, and it must be submitted by the broker.
23. Issue receipts for earnest money or sign for receipt of sales contracts.

AN UNLICENSED PERSON MAY NOT:

1. Host an open house.
2. Provide advice or guidance to a consumer with regards to a listing contract, property management contract, contract to purchase, etc.
3. Meet with owners to obtain or renew listing agreements, property management agreements, etc.
4. Present or negotiate offers.
5. Enter into a rental contract on behalf of the licensee.
6. Communicate with consumers about real estate transactions.
7. Collect rents or agree to collect rent for the use of real estate.
8. Receive a referral fee from licensee.
9. Be paid a percentage of the commission received by licensee.
10. Assist or direct in the procuring or prospects calculated to result in the sale, exchange, lease or rental of real estate. (Includes making "cold calls.")
11. Give listing presentations.
12. Interview buyers.
13. Answer questions on listings or any item pertaining to any transaction.
14. Orally provide information on listed property.
15. Show property.
16. Communicate with for sale by owner.
17. Schedule listing appointments as a result of telemarketing survey asking homeowners if they would like to speak with a licensee about their home.

Employing brokers need to be especially aware of their supervisory duties under the license law. Supervisory duties apply whether the assistant is an employee or independent contractor.

An employing broker should have a written office policy explaining the duties, responsibilities and limitations on the use of personal assistants. This policy should be reviewed by and explained to all employees.

If brokers develop adequate policies for the use of assistants and routine procedures for monitoring their activities, the assistant can serve as a valuable tool in enhancing office efficiency. As with any other activity involving the delegation of an act to another, the freedom and convenience afforded the broker in allowing the use of assistants carries with it certain responsibilities for that person's actions.