

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Dietz**

A BILL ACT 278 OF 1991
HOUSE BILL 1183

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS REAL ESTATE LICENSE LAW TO
9 PROVIDE FOR APPEALS FROM THE EXECUTIVE SECRETARY'S
10 DECISIONS DISMISSING COMPLAINTS; AND FOR OTHER PURPOSES."

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

13

14 SECTION 1. Any person whose complaint against a licensed real estate
15 broker or salesperson is dismissed by the Executive Secretary of the Arkansas
16 Real Estate Commission without a hearing may appeal such dismissal to the
17 Commission subject to and in accordance with the following provisions:

18 (a) The request for appeal must be in writing and received in the
19 offices of the Arkansas Real Estate Commission not later than sixty (60) days
20 following the date of dismissal by the Executive Secretary.

21 (b) The request for appeal must be accompanied by the filing fee
22 required by the Commission, which shall not exceed One Hundred Dollars
23 (\$100.00).

24 (c) The appellant must also pay the cost of preparing the record for
25 the Commission's review, which cost shall be determined by the Commission.
26 Provided, however, that if the Commission review results in a hearing being
27 ordered on the complaint, both the filing fee and the cost of preparing the
28 record shall be refunded to the appellant.

29

30 SECTION 2. Any person who is indigent and unable to pay either the
31 filing fee or the cost of the record, or both, may file a pauper's oath in
32 such form as required by the Commission, and if the Commission determines that
33 the appellant is indeed indigent, the filing fee or cost of the record, or
34 both, shall be waived.

35

36 SECTION 3. All appeals duly perfected pursuant to the foregoing

1 provision shall be presented to and decided by the Commission on the written
2 record. Such decision may be to affirm the Executive Secretary's dismissal,
3 to order additional investigation, or to order a hearing on the complaint.

4

5 SECTION 4. The Commission may enact such regulations as it deems
6 necessary or desirable to implement this act.

7

8 SECTION 5. All provisions of this Act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

11

12 SECTION 6. If any provision of this Act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the Act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 Act are declared to be severable.

17

18 SECTION 7. All laws and parts of laws in conflict with this Act are
19 hereby repealed.

20

21 APPROVED: 2-28-91

22

23

24

25

26

27

28

29

30

31

32

33

34

35