

State of Arkansas  
83rd General Assembly  
Regular Session, 2001

## A Bill

HOUSE BILL 1140

By: Representative D. Elliott

### For An Act To Be Entitled

AN ACT TO PROVIDE THAT A REAL ESTATE BROKER SHALL NOT  
SHARE FEES WITH AN UNLICENSED PERSON; AND FOR OTHER  
PURPOSES.

### Subtitle

TO PROVIDE THAT A REAL ESTATE BROKER  
SHALL NOT SHARE FEES WITH AN UNLICENSED  
PERSON.

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

SECTION 1. Arkansas Code 17-42-311(a), concerning violations of the  
Real Estate License Law, is amended to read as follows:

(a) The following acts, conduct, or practices are prohibited, and any  
licensee found guilty shall be subject to disciplinary action as provided in §  
17-42-312:

(1) Obtaining a license by means of fraud, misrepresentation, or  
concealment;

(2) Violating any of the provisions of this chapter or any rules  
or regulations adopted pursuant thereto or any order issued thereunder;

(3) Being convicted of any crime involving moral turpitude,  
fraud, dishonesty, untruthfulness, or untrustworthiness; provided, that for  
the purposes of this section being convicted shall include all instances in  
which a plea of guilty or nolo contendere is the basis for the conviction, and  
all proceedings in which the sentence has been deferred or suspended, and a  
certified copy of the final judgment of any court of competent jurisdiction in  
such matters shall be conclusive evidence in any hearing under this chapter;

(4) Making any substantial misrepresentation;

(5) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication, or distribution of false statements, descriptions, or promises of such character as to reasonably induce, persuade, or influence any person to act thereon;

(6) Failing, within a reasonable time, to account for or to remit any moneys coming into his or her possession which belong to others;

(7) Committing any act involving moral turpitude, fraud, dishonesty, untruthfulness, or untrustworthiness;

(8) Acting for more than one (1) party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for the performance of any of the acts specified in this chapter from any person except the licensed principal broker under whom he or she is licensed;

(9) Acting as a broker or salesperson while not licensed with a principal broker, representing or attempting to represent a broker other than the principal broker with whom he or she is affiliated without the express knowledge and consent of such principal broker, or representing himself or herself as a salesperson or having a contractual relationship similar to that of a salesperson with anyone other than a licensed principal broker;

(10) Advertising in a false, misleading, or deceptive manner;

(11) Being unworthy or incompetent to act as a real estate broker or salesperson in such manner as to safeguard the interests of the public;

(12) Paying a commission, rebate, or valuable consideration to any person for acts or services performed in violation of this chapter, including paying a commission, rebate, or other valuable consideration to an unlicensed person ~~for participation in a real estate auction~~; and

(13) Any other conduct, whether of the same or a different character from that hereinbefore specified, which constitutes improper, fraudulent, or dishonest dealing.