

COURSE OUTLINE
SUPERVISION
BROKERS, BRANCH OFFICE MANAGERS, TEAM LEADERS

I. Supervision Duties of Brokers, Managers and Team Leaders

A. Requirements of Maryland Real Estate Brokers Act

(c) (1) A real estate broker shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by any other individual, including an independent contractor, on behalf of the broker.

(2) The requirement of paragraph (1) of this subsection applies regardless of the manner in which the individual who provides the services is affiliated with the real estate broker on whose behalf the services are provided.

(d) (1) A branch office manager, as defined in § 17-518(d) of this title shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by any sales agent or associate broker registered with that office.

(2) The responsibility of the branch office manager to supervise sales agents and associate brokers registered to his/her office is in addition to, and not in lieu of, the responsibility of the broker set forth in subsection © of this section.

B. Failure to Provide Reasonable and Adequate Supervision

Section 17-322

(b) subject to the hearing provisions of § 17-324 of this subtitle, the Commission may reprimand any licensee, or suspend or revoke a license if the licensee:

(27) violates § 17-320(c) of this subtitle by failing as a real estate broker to exercise reasonable and adequate supervision over the provision of real estate brokerage services by another individual on behalf of the broker;

(c) (1) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Commission may impose a penalty not exceeding \$5,000 for each violation.

II. Provision of Real Estate Brokerage Services Through a Team

Section 17-543 “Team” defined

In this Part V of this subtitle “team” means two or more licensed associate real estate brokers or licensed real estate salespersons, or any combination of licensed associate real estate brokers or licensed salespersons who:

- (1) Work together on a regular basis to provide real estate brokerage services
- (2) Represent themselves to the public as being part of one entity; and
- (3) Designate themselves by a collective name such as team or group.

Section 17-544 Team Leader; duties; lists

- (a) Team Leader – Each team shall designate a team leader who shall be
 - (1) a licensed associate real estate broker or
 - (2) a licensed real estate salesperson who has at least 3 years of experience in providing real estate brokerage services.
- (b) Duties – The Team Leader shall:
 - (1) maintain a current list of all members and employees of the team; and
 - (2) provide the list and any revisions to the broker or the branch office manager of the brokerage with which the licensees are affiliated.
- (c) Lists – The real estate broker or branch office manager of a real estate broker shall:
 - (1) Maintain copies of the lists and
 - (2) Make the copies available to the Commission on request.

III. Supervision

Section 17-322

- (b) Subject to the hearing provisions of §17-320(c) of this subtitle by failing as a real estate broker to exercise reasonable and adequate supervision over the provision of real estate brokerage services by another individual on behalf of the broker,
- (c) (1) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Commission may impose a penalty not exceeding \$5,000 for each violation.

Section 17-545 Supervision: adherence to rules, practices and procedures

- (a) Supervision – The team leader shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by members of the team.
- (b) Additional Responsibilities – The responsibility of the team leader to supervise the associate real estate brokers and real estate salespersons on the team shall be in addition to the supervision responsibilities of the real estate broker and branch office manager of the real estate broker provided for in § 17-320 of this title.
- (c) Adherence to rules, practices and procedures – The team leader and the members

of the team shall adhere to all office rules, practices, and procedures established by the real estate broker and the branch office manager of the real estate broker.

Section 17-546 – Intra-company agents - A real estate broker may designate two members of a team as intra-company agents for the seller and the buyer in the same transaction if the parties have first been advised in writing that the licensees are part of the same team and the team could have a financial interest in the outcome of the transaction

Section 17-547 – Name; advertising; connection to name of brokerage

- (a) Name – The name of the team may not contain the terms “real estate”, “real estate brokerage”, or any other term that would lead the public to believe that the team is offering real estate brokerage services independent of the real estate broker.
- (b) Advertising – All Advertising by the team must contain:
 - (1) the name of the brokerage displayed in a meaningful and conspicuous way;
 - (2) the name of at least one of the licensee members of the team; and
 - (3) the telephone number of the real estate broker or branch office manager of the real estate broker
- (c) Connection to name of brokerage – The team name in the advertisement MUST be directly connected to the name of the brokerage.

Section 17-548 – Conducting of real estate brokerage activities

Team members must conduct all real estate brokerage activities from the office or branch office where their licenses are displayed as provided in § 17-317 of this title.

Commission Regulations as to Supervision 9.11.

.01 Definitions

Supervision means direction and review by the

A. Broker of professional real estate activities by associate brokers, designated sales managers and salesperson associated with that brokerage, regardless of the type of work relationship existing between them.

B. Broker of the supervision activities of each branch office manager and

C. Branch office manager of professional real estate activities by the associate brokers and salespersons registered with the office.

D. Brokers and Branch Office Managers over Teams and Team Leaders

.02 Requirements of Supervision

A. A broker shall exercise reasonable and adequate supervision over the activities of the broker's associate brokers and salespersons and teams.

B. A branch office manager shall exercise reasonable and adequate supervision over the activities of the associate brokers and salesperson registered with that office as well as the Teams registered at that office made up of associate brokers and salespersons.

C. The exercise of reasonable and adequate supervision as defined in this chapter may not be construed or deemed to create an employer/employee relationship between the broker and licensed associate brokers and licensed salespersons under the broker's supervision or to alter the status of an individual as an independent contractor.

.03 Reasonable and Adequate Supervision

A. Initially, the operations characteristics of the brokerage firm shall be considered by determining the:

- (1) Number of licensed salespersons and associate brokers affiliated with the broker;
- (2) Number of branch offices and salespersons assigned to each office;
- (3) Number of management personnel in each office;
- (4) Normal and routine working days and hours of the broker and management personnel;
- (5) Type of real estate activities of the firm.

B. Factors to be considered in determining whether supervision is reasonable and adequate include but are not limited to, the following:

- (1) Availability of
 - (a) training or education sessions held regularly at least once every two months;
 - (b) experienced supervisor personnel to review and discuss:
 - (i) Contract provisions;
 - (ii) Brokerage agreement provisions; and
 - (iii) Advertising
 - (c) Written procedures and policies which provide clear guidance in the following areas:
 - (i) Proper handling of deposit monies and other funds in accordance with Business and Occupations Professions Article, § § 17-501-17-508, Annotated Code of MD.

- (ii) Compliance with federal, state and local fair housing laws and regulations;
- (iii) Advertisement requirements applicable to real estate transactions and real estate teams.
- (iv) Review of contracts, leases and brokerage agreements upon execution by all parties to the contract, lease or brokerage agreement.
- (v) Use and limitations of unlicensed personal assistants
- (vi) Disclosure of agency relationships by licensees in a residential real estate transaction
- (vii) Distribution and dissemination of information on new or changed requirements in real estate laws and regulations enacted by local, State and federal governments and regulatory agencies.
- (viii) The obligation of all licensees to comply with all applicable provisions of Business Occupations and Professions Article, Title 17, Annotated Code of Maryland (the Maryland Real Estate Brokers Act), the Code of Ethics as adopted and amended from time to time by the Commission and all applicable local, state and federal laws and regulations;
- (ix) Requirements, restrictions, and limitations applicable to the sale or lease of real property personally owned by a licensee and the purchase or lease of real property by a licensee for the licensee's personal use; and
- (x) The unauthorized practice of law by a licensee; and

(2) Evidence of:

- (a) Records of attendance at sales meetings;
- (b) Review by the broker, branch office manager, team leader or designee of the broker or branch office manager (licensed assistant) of contracts of sale, leases, and brokerage agreements executed by all parties to the contract, lease, or brokerage agreement. This review should include but is not limited to terms of contract, signatures, completion of all required areas, review of agency terms, etc.
- (c) Review by the broker, branch office manager, team leader, or designee of the branch office manager or broker of advertisements **to be placed (prior to)** by licensees affiliated with the broker; (emphasis added)
- (d) Compliance with the written policies and procedures as specified in § B (1)(c) of this regulation; and

(e) Dissemination of the written policies and procedures as specified in § B(1)(c) of this regulation to licensees affiliated with the broker.

C. On a showing that the broker, branch office manager and team leader have not provided reasonable and adequate supervision in the areas under § B of this regulation, the burden of proof shall be on the broker to show that the supervision which the broker did provide was reasonable and adequate.

IV. Special Issues

A. Required Written Policies

B. Records of Attendance

1. Sign in sheet
2. Notices of Sales Meetings
3. Hand Outs
4. Sales Meeting Agendas
5. Retain Sign In Sheets, Agendas and Hand-Outs
6. Special issue re – licensees who regularly fail to attend scheduled sales meetings

C. Review of Advertisements

1. Maryland Real Estate Brokers Act

(a) (1) in this section the following words have the meanings indicated

(2) Advertise means the use of any oral, written or visual advertisement by a licensed real estate salesperson, licensed real estate broker, licensed associate real estate broker, or other person on behalf of a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker.

(3) Advertisement means, unless the context requires otherwise, any oral, written, audio, visual or printed media advertisement.

(ii) Advertisement includes any correspondence, mailings, newsletter, brochure, business card, for sale or for lease sign and sign rider, promotional item, automobile signage, telephone directory listing, television announcement, radio announcement, telephone solicitation, and World Wide Web and internet voice overs.

(4) Designated name means the individual name of a licensed real estate person, licensed real estate broker, or licensed associate real estate broker other than the licensed real estate salesperson, associate broker or broker's full legal name (Nickname).

(ii) Designated name includes a first name, nickname, or last name – it does not include all three

(a) a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker may not advertise unless:

(1) the name or designated name of the licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker, as the name or designated name appears on the license certificate and pocket card issued by the Commission, is meaningfully and conspicuously included in the advertisement; and

(2) the name of the business with which the licensed real estate salesperson, broker or associate broker and any team member is affiliated:

- (i) is meaningfully and conspicuously included in the advertisement;
and
- (ii) is the full name of the business and not a logo used by the business.

(3) Advertisement means, unless the context requires otherwise, any oral, written, audio, visual or printed media advertisement.

(1) Advertisement includes any correspondence, mailings, newsletter, brochure, business card, for sale or for lease sign and sign rider, promotional item, automobile signage, telephone directory listing, television announcement, radio announcement, telephone solicitation, and World Wide Web and internet voice overs

(b) a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker may provide real estate brokerage services under a designated name (nickname) that has been approved by the Commission.

(c) subject to the approval of the Commission, a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker may add a designated name (nickname) on a license certificate and pocket card if the licensee submits to the Commission

- (1) An application,
- (2) Legal documents if necessary
- (3) a fee of \$25.00

(d) the full legal name of the licensee and the approved designated name shall be displayed on the new license certificate and pocket card.

2. Code of Ethics – Maryland Real Estate commission

G. Advertisement

- 1. Present a true picture in advertising
- 2. must disclose broker's name or the company name as it appears on the license

3. broker may not permit associate brokers or salesperson to use individual names unless the connection with the broker is obvious in the advertisement.
4. Effective 10/1/04 an associate broker and salesperson may not use an individual Email address or phone number unless the identified telephone number of the broker or branch office manager is also in the advertisement.

3. Regulation of Maryland Real Estate Commission

A. For the purpose of this regulation the following terms have the meanings indicated:

B. Definitions.

1. Advertise means the use of any oral, written or visual advertisement by a licensed real estate salesperson, licensed real estate broker, licensed associate real estate broker, or other person on behalf of a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker
2. Advertisement includes any correspondence, mailings, newsletter, brochure, business card, for sale or for lease sign and sign rider, promotional item, automobile signage, telephone directory listing, television announcement, radio announcement, telephone solicitation, and World Wide Web and internet voice-overs.
3. Licensee means a real estate broker, associate broker, or salesperson licensed by the Real Estate commission.
4. Trade name means trademark or service mark, company name or business name, irrespective of whether the licensee needs to obtain permission from another person or entity who has an existing or continuing right in that trademark or service mark by virtue of any State or federal law.

C. Licensee Using Trade Name.

1. In the advertising of or contracting for any real estate brokerage services defined under Business Occupations & Professions Article, § 17-101, ACM, a licensee using a trade name shall clearly and unmistakably include in the advertisement or contract his name or trade name, as registered with the Commission to insure that his identity is meaningfully and conspicuously displayed to members
2. A licensee using a trade name on a for sale sign, business card, office sign, sales contract, listing contract or other document relating to real estate activities as defined under Business Occupations and Professions Article, § 17-101, Annotated Code of Maryland, shall clearly and unmistakably include on any of these documents his name, or trade name, as registered with the Commission.

3. Any licensee who is in the course of oral communication with another person (whether in person or by telephone), shall clearly and unmistakably include in the communication his name, or trade name, as registered with the Commission, to insure that his identity is meaningfully and conspicuously made known to that person.
4. An Associate Broker or Salesperson may use a “tradename” for the purposes of meeting certain tax laws but MAY NOT use that trade name in the practice of real estate. They must use the trade name of the Broker.

D. Payment of Commission to Professional Service Corporation 17-512

- (a) With the consent of a licensed real estate broker, one or more licensed real estate Salesperson’s and licensed associate brokers who are affiliated with the licensed real estate broker may:
 - (1) organize and wholly own a professional service corporation under the Maryland Professional Service Corporation Act; or
 - (2) form a limited liability company under the Maryland Limited Liability Company Act.
- (b) it can be formed by any number and any combination of licensed real estate salespersons and associate brokers. HOWEVER, each shareholder in the corporation or member of the LLC shall be either a licensed salesperson or associate broker.
- (c) a member of the LLC or PSC can direct their broker to pay any commissions due the salesperson or associate broker be paid to the corporation or limited liability company.

E. Payment of Commission to an Attorney – 17-605

- (a) (1) Except as otherwise provided in subsection (b) of this section, a real estate broker, associate broker or salesperson may not pay or offer to pay a commission to a lawyer simply for the referral of a person as a possible party to a residential real estate transaction.
 - (2) A real estate broker, associate broker, or real estate salesperson may not solicit referral business from lawyers by a mass solicitation that offers to pay fees or commissions to the lawyers.
- (b) Subsection (a) (1) does not prohibit payments or offers of payments to lawyers who hold a real estate broker's license under this title or are otherwise entitled to a commission.
- (c) Other than the commissions expressly prohibited, subsection (a) does not prohibit the payment or the offer of payment of a commission by a real estate broker, associate broker or salesperson to a lawyer for any service that relates to a real estate transaction.

F. Payment of Referral Fees: A real estate broker, associate broker or salesperson may not pay compensation in any form for the provision of real estate brokerage services to any person who is not licensed under this title. (Unlicensed assistants, neighbors, friends, secretary)

G. Payment of Rebates to Buyers/Seller Section 17-322(b)(9) provides that a licensee may not use a prize or lottery to influence or attempt to influence an individual in the sale of real estate. Section 17-604(a) provides that a licensee may not pay compensation, in any form, for the provision of real estate brokerage services to any person who is not licensed.

There have been several advice letters and a published AG's Opinion issued with regard to what constitutes a prize or lottery. The remaining question for the purposes of determining the application of § 17-322(b)(9) is whether they are offered to influence or attempt to influence the sale of property. The language that begins this subsection provides that the Commission may discipline a licensee who "solicits, sells, or offers to sell real property, so as to influence or attempt to influence a prospective party" by offering a prize or a free lot or by conducting a lottery or contest. Thus, the lottery or prize must be tied to the potential sale of the property.

H. Disposition of Deposit Monies

- a. If broker is holding – must be deposited within 7 business days of contract acceptance.
- b. Verify that check cleared with other broker or the deposit holder and proof thereof
- c. 3rd party holding money – lose control and must put more emphasis on verifying deposit of and sufficient funds. No control by commission over outside parties
- d. Owe responsibility to buyer or seller to make sure deposit is secure
- e. Cannot hold deposit hostage due to other terms of a listing agreement.
- f. Can release deposit under HOA and Condominium Act without a release if all terms are properly met.

I. Buyers Right to Select Settlement Service Provider 17-607

- (a) Except as otherwise provided in subsection be of this section, in a real estate transaction involving a single family dwelling, a real estate broker, an associate real estate broker, a real estate salesperson or a lawyer acting a a real estate broker may not require a buyer, as a condition of settlement, to employ a particular
 - (1) title insurance company;
 - (2) settlement company;
 - (3) escrow company
 - (4) mortgage lender or financial institution as defined in the Financial Institutions Article;or
 - (5) title lawyer
- (b) A seller may NOT be prohibited from offering owner financing as a condition of settlement.

- J. Verifying that the office files have all of the related documents to the transaction in it.
 - a. All Addenda, home inspections, well tests, etc. The office file must be complete.
 - b. Retaining the files for five years from last activity.
- K. Balancing checkbooks – Escrow account must match up with contracts and settlements.
- L. Making sure that everyone’s license is active and not expired – Broker/Branch Office Manager/Team leader held responsible if some works with an expired license.
- M. Terminating properly – doing the right paperwork for the Commission.
 - a. License Change Form
 - b. Letter to Licensee stating that you are returning license to commission must be sent to the licensee and a copy attached to license Change Form
 - c. Send Form and copy of letter with Wall License to Commission.
- N. Referral Companies –
 - 1. No such license category as a referral license
 - 2. Must have an active license
 - 3. Must complete C.E. for renewal
- O. Inactive Status
 - 1. Must renew to remain inactive
 - 2. Must complete c.e. before reactivating
 - 3. Maximum of four years on inactive from date of going inactive (not renewal date)
 - 4. Must take all c.e. (maximum 45 hours). Cannot take same class from the same provider (school- not teacher)

Disclaimer: The information provided in this course outline is intended to reflect a summary of the subject matter required to be taught, as of January, 2011, in a course approved by the Maryland Real Estate Commission. While the Maryland Real Estate Commission has made every attempt to ensure the accuracy, completeness, and timeliness of this course outline, the Maryland Real Estate Commission makes no guarantee or warranty, either expressed or implied, concerning the accuracy, completeness, or timeliness of the content of this course outline. The Maryland Real Estate Commission assumes no responsibility for use of, or reliance on, this course outline by the public or licensees of the MREC, in no event, shall be liable for any direct, indirect, incidental, special, exemplary, or consequential damages arising in any way from the use of this course outline. Course requirements, as reflected in this course outline, may change from time to time to reflect changes in Maryland real estate law and regulations. This course outline does not replace or amend any requirements of Maryland real estate law and regulations.

License Search

Boards & Commissions

Occupational and Professional Licensing home page

Continuing Education Requirements - Real Estate Commission

Continuing Education Requirements for all licensees whose
CURRENT license expires ON or AFTER 10/1/2015

SALESPERSONS AND ASSOCIATE BROKERS

RESIDENTIAL Salespersons and Associate Brokers

- 15 hours which includes 3.0 legislative, 3.0 MREC Agency-residential, 3.0 ethics, 1.5 fair housing (required classes); the remaining 4.5 hours are electives

Commercial Designation (SOLELY - NO RESIDENTIAL BUSINESS) Salespersons and Assoc. Brokers

- 15 hours which includes 3.0 legislative, 3.0 MREC Agency – commercial, 3.0 ethics (required classes); the remaining 6.0 hours are electives

BROKERS AND DESIGNATED BRANCH OFFICE MANAGERS OR TEAM LEADERS

RESIDENTIAL Brokers, Branch Office Managers or Team Leaders

- 15 hours which includes 3.0 legislative, 3.0 MREC Agency-residential, 3.0 ethics, 3.0 supervision, 1.5 fair housing (required classes); the remaining 1.5 hours are electives

Commercial Designation (SOLELY - NO RESIDENTIAL BUSINESS) Brokers, Branch Managers or Team leaders

- 15 hours which includes 3.0 legislative, 3.0 MREC Agency – commercial, 3.0 ethics, 3.0 supervision (required classes); the remaining 3.0 hours are electives

REMINDERS:

- **Legislative topic (A), ethics topic (D), and agency topic (H) are required Maryland courses for all licensees.**
 - **Fair housing topic (C) is required for all licensees with a residential license.**
 - **Supervision topic (I) is required for all brokers, designated branch office managers and team leaders.**
 - **The ethics course must include MD Code of Ethics, Flipping and Predatory Lending.**
 - **NAR ethics is not a substitute for the Maryland required ethics course.**
 - **If you hold a license in another state, hours may be considered toward your Maryland ELECTIVES. To find out, e-mail the out-of-state CE course completion certificate(s) to dloprecec-dllr@maryland.gov at least 30 days prior to the expiration of your license. If recognized, the hours credited will be entered into your licensing record and an eNotice sent to your e-mail address of record.**
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Commission Housekeeping Issues

To help us provide outstanding service, the Commissioners and staff of the Real Estate Commission have a few simple suggestions and reminders to ensure that licensees receive the important information we send and to reduce the number of consumer complaints that lead to disciplinary actions.

UPDATE EMAIL ADDRESS: This easiest step a licensee can take is to ensure the Commission has your up-to-date email address. It's particularly important that brokers maintain a current email address with the Commission. Many licensees have recently moved from an MRIS email to another provider and simply sent out a "change of address" email. Unfortunately, the Commission staff is not able to individually update the database every time we receive an electronic change of address notice. An example of the seriousness of this issue is a recent email the Commission sent to brokers with the modified agency disclosure form, "Understanding Whom Real Estate Agents Represent." More than 300 emails bounced back.

To update your email address, please visit our website at <http://bit.ly/2f0bwhp>. If you have trouble logging in to your account, scroll down the page and click on "forgot password." If you need assistance, please give us a call or email us at dllrec-dllr@maryland.gov.

TEAMS AND GROUPS: The second issue about which the Commission believes licensees should be reminded is teams and groups. We find that real estate teams are often forgetting three important requirements: brokers must be informed when a new team leader is designated and the new team leader must take the supervision continuing education course within 90 days of the designation. Also the broker needs to let the Commission know who is a team leader so that we may put that designation in their licensing record and track education

requirements. We recommend that brokers establish a schedule to periodically check with team leaders affiliated with their brokerage to ensure that the broker knows who is the current leader and that the supervision course was taken in a timely fashion.

ADVERTISING: The last issue is a reminder concerning real estate brokerage advertisements. The Commission monitors newspapers, mailers and other advertisement platforms to ensure compliance with the basic rules for real estate advertisements. Often we find the advertisements are significantly deficient, lacking the brokers name, brokers phone number and sometimes the team name does not reflect a connection to the brokerage or include a name for a member of the team (if team name does not reflect a licensee's name). The Commission has preferred to address these deficiencies by sending warning letters and requesting corrective action. Unfortunately, after several years relying upon warning letters, we still see a great many advertising violations.

The Commission plans an enforcement effort and sanctions for agents and brokers who fail to comply. We urge all licensees to review the signs, advertisements and promotional materials used by your business. Make sure the basic rules are observed by providing the name and phone number of your broker and all team names must be connected to the name of the brokerage.

As always, if you have any questions concerning these issues, please feel free to contact me at kathie.connelly@maryland.gov.

Katherine Connelly is the Executive Director of the Maryland Real Estate Commission.

ATTENTION LICENSEES: THIS IS NOT AN ADDENDUM IT IS SUGGESTED LANGUAGE. A form created by your broker/company with the below information must be presented to the Seller no later than when the Seller signs the listing agreement and the Buyer, prior to showing any properties listed by members of your team.

NOTIFICATION OF DUAL AGENCY WITHIN A TEAM

Under Maryland law, a team that provides real estate brokerage services must consist of two or more associate brokers or salespersons, or a combination of the two, who:

1. work together on a regular basis;
2. represent themselves to the public as being part of one entity; and
3. Designate themselves by a collective name such as "team" or "group."

The team operates within a brokerage, and team members are supervised by a team leader as well as by the broker, and, if they work in a brokerage branch office, by the branch office manager.

The law permits one member of a team to represent the buyer and one member to represent the seller in the same transaction only if certain conditions are met. If both parties agree, the **broker** of the real estate brokerage with which the salespersons or associate brokers are affiliated or the **broker's designee** (the "dual agent") shall designate one team member as the intra-company agent for the buyer and another team member as the intra-company agent for the seller. No one else may make that designation.

The law also requires that the buyer and seller each be notified in writing that the two agents are members of the same team, and that the team could have a financial interest in the outcome of the transaction in addition to any financial benefit obtained by selling one of the broker's own listings. THIS CONSTITUTES YOUR NOTICE OF THOSE FACTS.

Dual agency may occur only if both parties consent to it, and sign the Consent for Dual Agency form prescribed by the Real Estate Commission. If you have concerns or questions about being represented by a team member when another team member represents the other party, you should address these to the broker or branch office manager before signing the Consent form.

ACKNOWLEDGMENT OF RECEIPT OF NOTICE

I/we acknowledge receipt of the Notification of Dual Agency within a Team.

DATE: _____



Supervising Broker Best Practices

**A Broker's Guide to Creating a
Policy and Procedure Manual**

September 2012

Search

Features

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Boards & Commissions

- Occupational and Professional Licensing home page

Do's and Don'ts for Teams and Groups - Real Estate Commission

Teams

A Team must consist of two or more Associate Brokers or Salespersons or a combination of the two who:

1. Work together on a regular basis;
2. Represent themselves to the public as being part of one entity; AND
3. Designate themselves by a collective name such as "Team or Group."

All licensed team members must be affiliated with the same broker; and, if applicable, offer brokerage services at the same branch office.

X A licensed broker may **NOT** be a member of a Team.

X The name of the Team may **NOT** contain the terms "Real Estate," "Real Estate Brokerage," "Realty," or any other term that would lead the public to believe that the Team is offering real estate brokerage services independent of the Broker.

Team members must conduct all real estate brokerage activities from the broker's office or the branch office where their licenses are displayed.

X A Team may **NOT** operate out of an office or location other than the broker's office or the branch office where their licenses are displayed.

Advertising

All Team advertising must contain:

1. The full name of the brokerage displayed in a meaningful and conspicuous way;
2. The name of at least one of the licensee members of the Team; and
3. The telephone number of the broker or the branch office manager.

The Team name in the advertisement must be directly connected to the name of the brokerage.

"Advertise" means the use of any oral, written, or visual advertisement by a licensed real estate salesperson, licensed real estate broker, licensed associate real estate broker, or other person on behalf of a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker. "Advertisement" means, unless the context requires otherwise, any oral, written, or printed media advertisement. "Advertisement" includes any correspondence, mailing, newsletter, brochure, business card, for sale or for lease sign and sign rider, promotional item, automobile signage, telephone directory listing, television announcement, radio announcement, telephone solicitation, and World Wide Web and Internet voice-overs. (§17-527.2 Annotated Code of MD)

Team Leaders

- A Team must designate a team member as its Team Leader. The Team Leader must be an Associate Broker or a Salesperson with at least three years' experience.
- The Team Leader must maintain a current list of all members and employees of the Team.
- The Team Leader must provide the list and any revisions to the list to the Broker or the Branch Office Manager where the Team Members' licenses are displayed.
- The Team Leader must exercise reasonable and adequate supervision over the provision of real estate services by members of the Team.

Brokers and Branch Office Managers

- The Broker or Branch Office Manager must maintain copies of the lists of Team Members and Employees, and make the copies available to the Commission on request.
- The Broker and Branch Office Manager must supervise the Team Members, and this supervision is in addition to the supervision responsibilities of the Team Leader.
- The Broker and Branch Office Manager may not delegate their supervisory responsibilities over Team Members to the Team Leader.

Team Leaders and Members

- The Team Leader and all Team Members must adhere to all office rules, practices, and procedures established by the Broker and the Branch Office Manager.

Dual Agency

- The Broker may designate two members of a team as intra-company agents for the Buyer and the Seller in the same transaction if the parties have **FIRST** been advised in writing that the Licensees are part of the same team and the team could have a financial interest in the outcome of the transaction. The Buyer and Seller must complete the "Notification for Dual Agency within Team" form (Word) required under existing law before Dual Agency may occur.
- The Team Leader may **NOT** designate Team Members as intra-company agents. Only the Broker may make this designation.
- The Broker must ensure that both parties have acknowledged in writing receipt of a "Notification of Dual Agency within a Team" form **PRIOR** to designating two Team Members as intra-company agents in a transaction.

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500 North Calvert Street, Baltimore, MD 21202

Incentives and Rebates - Real Estate Commission

The Real Estate Commission and the Attorney General's Office receive inquiries from time to time about the payment of rebates to a party to a transaction or the use of incentives to induce a consumer or a licensee to deal with a particular real estate agent or broker. There are several provisions of the licensing law that address these issues.

Incentives. Section 17-322(b)(9) provides that a licensee may not offer a prize or conduct a contest in order to influence a party in the sale of real property. This provision has been interpreted by the Attorney General's Office to mean that if a licensee uses inducements to obtain a listing or a buyer/broker agreement, or to motivate a buyer to purchase certain property, those inducements must be offered to all consumers on the same basis. There cannot be a contest where a seller or buyer is offered a chance to receive a prize or a cash payment. If an offer of inducements is made, it must be available to all.

The law would allow the licensee to offer inducements related to price, that is, the offer could be for a rebate/payment as a percentage of price. In this way, the offer would be the same for all those whose purchase or listing price fell within a certain price range.

The Commission has also reviewed proposals of licensees who offer a drawing for a prize among attendees at an open house. As long as the only action a consumer has to take is to attend the open house, the Commission does not view this as a contest used to influence a party to purchase property.

There have also been questions about whether unlicensed individuals who refer consumers to a licensee may be compensated in some way or may participate in a drawing. The licensing law considers the act of referral to be the provision of real

estate brokerage services, and thus an activity that requires a license if compensation in any form is involved. The Commission views the possibility of winning a prize as a form of compensation. Therefore, under Section 17-604(a), a drawing may not include an individual based on referrals he or she has made to the licensee.

Rebates/Cash Payments. Section 17-604 provides that a licensee may not pay compensation in any form for the provision of real estate brokerage services to an individual who is not licensed. A person who is simply a party to a real estate transaction is not providing real estate brokerage services within the definitions in Section 17-101, and therefore may receive monies from a licensee. If the monies are used to pay settlement charges, that should be reflected on the HUD-1 form.

The agreement to pay compensation to a buyer in the form of a rebate of commission, or to compensate the seller either through a cash payment or a reduction of the commission rate must be in writing as required by the Code of Ethics, COMAR 09.11.02.01H. The Real Estate Commission has also taken the position that financial payments by a licensee to a party should be disclosed to the other party to the transaction, even if they are not required to be recorded on the HUD-1 form.

Office of the Attorney General

Counsel to the Real Estate Commission

12/14/10

<http://www.dllr.maryland.gov/license/mrec/mrecincentives.shtml>

The Commission Check ✓

MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION • DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

MARYLAND REAL ESTATE COMMISSION

Martin O'Malley, Governor

Anthony G. Brown, Lt. Governor

Leonard J. Howie III, Secretary

Fall 2014

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[Certificate of Licensure](#)

MESSAGE FROM THE EXECUTIVE DIRECTOR

Kathie Connelly



Greetings, and welcome to the Fall 2014 edition of *The Commission Check*. The Maryland Real Estate Commission (MREC) and its staff has been especially busy this past quarter—we went through a complete staff makeover during the same time we scheduled and conducted our series of town hall brokers' meetings across the State. Plus, we saw an increase in our day-to-day workload due to the rebounding real estate market. We have enjoyed all of the activity, and we hope your summer was a productive one, as well.

From April through June, we hosted 15 meetings for over 4,000 real estate brokers throughout Maryland. We believe the meetings were a great success, judging from the numerous emails we received applauding our efforts, and the responses we received to our subsequent email survey. Eighty-four percent of responders thought the information provided was useful, and 96% thought the Commissioners and staff were well prepared. A copy of the instructional slides we used for our presentations was sent via email to all brokers for a review of the material we covered. We would like to thank all of the brokers who helped make the series successful, and we will let you know when the Commissioners decide to hold the meetings again, be it annually or biennially.

The Commission held its annual elections in June, and voted unanimously to re-elect John Nicholas D'Ambrosia as Chair and Anne S. Cooke as Vice Chair. We would like to thank them for continuing to serve in leadership positions on the Commission.

We continue to see growth in the number of real estate exam-takers as compared to the same time last year. In July 2014, there were 765 people who took the Maryland Salesperson's Exam. Sixty-two people took the Maryland Broker's Exam in July 2014, while only 47 took it in July 2013. We are hopeful that the numbers will continue trending upward, and that the industry fully recovers from the impact of the recession.

Hopefully, you were able to take some time off with your family and friends this past summer, or you plan to do so in the near future. Enjoy the fall weather!

- Park in an area where your car cannot be blocked in by another vehicle. Always drive separately from your clients.
- If the property is a foreclosed or vacant home, inspect the structure for any signs of prior entry. If you see open windows or doors, do not enter the home. Instead, call the police.
- Be sure that all of the seller's valuables and prescription drugs are out of sight. Lock your own valuables in your car or other safe place.
- When a new client drives to meet you at the property, take a picture of his or her license plate.
- When showing the property, avoid entering rooms before your client enters them. Explain the features of the property while remaining in open doorways, if possible.

ATTORNEY GENERAL'S OFFICE DELIVERS OPINION ON "COMING SOON" LISTINGS IN MARYLAND

COMING SOON, WHISPER, AND POCKET LISTINGS

If you are considering recommending to one of your clients that their property be designated as "coming soon" to market instead of being entered into the multiple list system as soon as the listing is signed, there are a number of issues that you need to think about. First, Maryland law requires that you have a signed listing agreement before you market or offer the property for sale or lease (COMAR 09.11.01.12). That agreement should set forth the marketing plan that the seller has consented to, especially where the plan includes a "coming soon" designation or some other form of restricted marketing.

Second, it is the seller's decision alone as to how, when, and where the property will be marketed. Because you as a licensee have the obligation to protect and promote the interests of your client, you must be sure that they fully understand their options. You should obtain a written acknowledgment from the seller that they have discussed the pros and cons of a "coming soon" (or "whisper" or "pocket") listing with you prior to using these forms of marketing. Please note that this acknowledgment is in addition to, and not a substitute for, the listing agreement.

Third, you need to make your client aware of the benefits and risks of delaying full marketing of the property. The pool of buyers aware of the "coming soon" listing will be restricted, and thus the seller may not attract offers at as high a price as would be the case when more potential buyers are aware of the property. The terms of the purchase could also be less favorable to the seller than they would be if there was more competition for the property.

Fourth, you must consider the reasons why you are recommending the "coming soon" approach, which in effect limits the exposure of the property. Is the property being marketed as "coming soon" because the seller has not completed preparation of the property for sale? That would be a legitimate use of this marketing method. On the other hand, if the motivation is to restrict the buyers to those known to you or other licensees affiliated with your brokerage, with the result of keeping both sides of the transaction in house, you could be in violation of the Code of Ethics provision requiring you to act in the best interest of your client (COMAR 09.11.02.02A).

Finally, you should consult with your broker or branch office manager about possible legal issues rising from limited marketing, including whether the approach could violate State or Federal Fair Housing or Anti-Trust Laws

Over the past year, the Real Estate Commission has received a number of inquiries and complaints regarding licensees who advertise properties as "coming soon" to the market or otherwise restrict access to the listing. The common complaint is that these listings are not made known to outside agents, and that once the property is entered into the multiple list service, becomes available for showing, or is otherwise given full market exposure, it is already under contract. The Maryland

Commission has not yet received complaints from owners claiming that the price or the terms of the sale were affected by restricted marketing, but that has occurred elsewhere, and has been the subject of numerous educational, industry and media discussions.

While the Maryland Real Estate Commission cannot dictate how a property is marketed, in reviewing a complaint it will consider whether the owner was properly advised as to the possible effects of restricted marketing, whether there is written documentation of this advice, and any evidence that a licensee encouraged a "coming soon", "whisper" or "pocket" listing as a marketing choice for the benefit of the licensee, the licensee's brokerage, or another select group of licensees.



PROCEED WITH CAUTION: MREC ISSUES FINAL WARNING TO LICENSEES ABOUT ADVERTISING

In case you missed the last issue of [The Commission Check](#), the MREC announced a change in our policy for correcting unlawful real estate advertising in our State. At the June 2014 Commission meeting, Commissioners adopted a "three-strikes" method of handling persistent offenders beginning on July 1, 2014.

Please be advised of the following steps you can expect the MREC to take to enforce Maryland law regarding real estate advertising:

1. If we see a first-time violation ourselves, or if we are notified by telephone or email about a violation, we will start a log and contact you and your broker about making the necessary changes to your advertising materials/signage.
2. If the violation continues, or if a second offense occurs, the MREC will issue you a written warning advising you that charges may be filed against you.
3. A third offense, or the continued use of the original improper materials, will warrant the filing of formal charges against you *and* your broker and/or manager. If charges are filed against you by the MREC, you may be subject to fines up to \$5000 *per violation*, and suspension or revocation of your license(s).

The MREC has spent an ample amount of time on outreach efforts to educate licensees about misleading advertising. We have discussed it in past newsletters, in guest columns of other publications, at speaking engagements, and at the recent brokers' town hall meetings. We devoted our entire booth to advertising at last year's Maryland Association of Realtors® Conference. If you are still unclear about what your obligations are under State law, contact Executive Director [Kathie Connelly](#) for a review of your materials *before* you have them produced.

*** WHO CAN "SIT" AT AN OPEN HOUSE?**

One of our Commissioners recently received an email from a company advertising an online "sitting service" for open houses. By registering with the service, agents can either post their availability to "sit" others' open houses, or post "sitter wanted" ads for their own listings. In Maryland, if the "sitter" and the listing agent are not licensed under the same brokerage, the practice can carry some severe legal consequences for everyone involved.

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Occupational and Professional Licensing home page

Guidelines for the Use of Unlicensed Employees and Online Chat Providers - Real Estate Commission

Real estate brokers are required to exercise reasonable and adequate supervision over the provision of real estate brokerage services by any other individual acting on behalf of the broker. Md. Code Ann., Business Occupations and Professions §17-320 (c). Real estate brokers are similarly responsible for the supervision and control of activities performed by their employees or agents in their name during the course of a transaction for which a real estate license is required, whether or not the actual activities performed require a real estate license.

COMAR 09.11.05.03B sets out factors to be considered by the Commission when determining whether supervision is adequate and reasonable. One of the enumerated factors is whether the brokerage firm has written policies and procedures which provide clear guidance regarding the "use and limitations of unlicensed personal assistants." COMAR 09.11.05.03B(1)(c)(5).

In 1995, the Real Estate Commission issued guidelines for the use of unlicensed employees to help facilitate the broker's duty to

supervise activities during the course of a transaction for which a real estate license is required. Since that time, brokerage practices have change and evolved in response to new technology. The Guidelines, republished below with minor edits, remain applicable to new technologies, such as online chat activity conducted by an employee or third party operating pursuant to a service agreement to provide chat services on behalf of a broker (***chat provider***). For example, a ***chat provider*** is permitted to, on behalf of a licensee:

- direct a client to a licensee,
- Arrange the date and time of home, termite, and well/septic inspection, mortgage application, pre- settlement walk-thru, and settlement, or
- Schedule an open house or appointment for a licensee to show a listed property.

The restrictions enumerated below also remain applicable in the ***chat provider*** context. Brokers should be especially diligent in ensuring that ***chat providers*** are not soliciting customers with respect to a specific property.

Brokers should also note that all laws and regulations related to advertising apply equally to the Internet and associated technologies. It is imperative that online consumers know when they are dealing with a real estate licensee and are able to identify the brokerage where the licensee can be found. In the chat context, it is recommended that disclosure of the broker's name or the company name as it appears on the license should be made during the chat session or in text visible on the same web page that contains the chat session. It is also recommended

that disclosure should be made prior to providing, or offering to provide, services related to a transaction for which a real estate license is required. Generally, chat providers should refrain from giving the impression that they are licensed. Finally, it is recommended that each brokerage develop and maintain a written policy regarding use of Internet advertising by its associate brokers, sales agents, employees, and agents.

These Guidelines are intended to assist licensees and help them achieve compliance with the requirements of the Real Estate Brokers Act and regulations promulgated thereunder. The Guidelines are not intended to broaden or limit the definition and scope of "provide real estate brokerage services" as defined in the Maryland Real Estate Brokers Act.

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LABOR, LICENSING AND REGULATION
500 NORTH CALVERT STREET - 4TH FLOOR
BALTIMORE, MARYLAND 21202

GUIDELINES ON THE USE OF UNLICENSED EMPLOYEES

An unlicensed employee MAY:

- Answer the telephone and forward calls to a licensee.
- Submit listings and changes to a multiple listing service.
- Follow up on loan commitments after a contract has been negotiated.
- Assemble documents for closing.
- Secure documents (public information) from courthouse, public utilities, etc.

- Have keys made for company listings.
- Write and place ads subject to the review and approval of licensee and supervising broker.
- Type contract forms at the direction of, and for approval by, licensee and supervising broker.
- Compute commission checks.
- Place signs on property.
- Arrange the date and time of home, termite, and well/septic inspection, mortgage application, pre-settlement walk-thru, and settlement.
- Prepare flyers and promotional information for approval by licensee and supervising broker.
- Act as courier service to deliver documents, pick up keys, etc.
- Schedule an open house.
- Schedule appointments for licensee to show listed property.
- Accompany a licensee to an open house or showing for security purposes or to hand out preprinted materials.
- Contact clients and potential clients using online communication methods such as web-based chat in order to accomplish one of the above-listed tasks.

An unlicensed employee MAY NOT:

- Prepare promotional materials or ads without the review and approval of licensee and supervising broker.
- Show property.
- Answer any questions on listings, title, financing, closing, etc.

- Discuss or explain a contract, listing, lease, agreement, or other real estate document with anyone outside the brokerage.
- Be paid on the basis of real estate activity, such as a percentage of commission, or any amount based on listings, sales, etc.
- Negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee.
- Discuss the attributes or amenities of a property, under any circumstances, with a prospective purchaser or lessee.
- Discuss the terms and conditions of the real property offered for sale or lease with the owner of the property. Collect, receive, or hold deposit monies, rent, other monies, or anything else of value received from the owner or lessee of the real property or from a prospective purchaser or lessee.
- Provide owners of real property or prospective purchasers or lessees with any advice, recommendations, or suggestions as to the sale, purchase, exchange, or lease of real property to be listed or real property presently available for sale or for lease.
- Hold himself or herself out in any manner, orally or in writing, as being licensed or affiliated with a particular company or real estate broker as a licensee.
- Contact the public concerning the availability of real estate brokerage services unless an inquiry about a specific property is immediately referred to a licensee.
- **Contact clients or prospective clients using online communication methods such as web-based chat in**

order to solicit customers with respect to a specific property.

- ***Contact clients using online communication methods such as web-based chat without first disclosing the broker's name or the company name as it appears on the license at the beginning of the chat session or in text visible on the same web page that contains the chat session.***

(NOTE THAT THE WORD "LICENSEE" AS IT APPEARS IN THE GUIDELINES MEANS A LICENSED ASSOCIATE BROKER OR SALESPERSON AFFILIATED WITH AND ACTING UNDER THE SUPERVISION OF A BROKER. AN INDIVIDUAL WHO HOLDS A LICENSE, BUT IS AFFILIATED WITH A DIFFERENT BROKER IS CONSIDERED TO BE UNLICENSED FOR THE PURPOSES OF THESE GUIDELINES.)

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Law and Regulations - Real Estate Commission

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<http://www.dllr.maryland.gov/license/law/mreclaw.shtml>

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Licensing Queries

Check to see if an individual or business is licensed **before they do business for you**. Choose the profession from the list below and click to see if they are licensed by the State of Maryland. [Financial Regulatory licensing search information](#) is also available. If a particular profession is not on this list please check with the [Maryland Business License Information System \(BLIS\)](#).

NOTE: The date format used in this application is YYYY-MM-DD. For example, January 5, 2015 would appear as 2015-01-05.

Universal search of all Occupational and Professional Boards by last name

- [Architects](#)
- [Athlete Agents](#)
- [Barbers](#)
- [Cemetery Oversight](#)
- [Certified Interior Designers](#)
- [Certified Public Accountants](#)
- [Cosmetologists](#)
- [Foresters](#)
- [Home Improvement](#)
- [Heating, Ventilation, Air Conditioning and Refrigeration \(HVACR\)](#)
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Attention Military Veterans and Families - Learn About Expedited Licensing

On April 17, 2013, Governor Martin O'Malley signed the [Veterans Full Employment Act of 2013](#). The new law took effect on July 1, 2013. The Division of Occupational and Professional Licensing and Commissioner of Financial Regulation are dedicated to assisting recently discharged veterans and spouses of currently

serving members of the United States Armed Forces, including active duty reservists and members of the National Guard obtain occupational and professional licenses in Maryland.

A Final Report to the Governor Regarding The Veterans Full Employment Act -

December 2014

A Preliminary Report to the Governor Regarding The Veterans Full Employment Act - December 2013

Who does this legislation help?

A person who holds a valid license in good standing in another state and:

- a. has recently received an honorable or otherwise was released (except for a dishonorable discharge) from the U.S. Armed Forces (Army, Navy, Marines, Air Force, Coast Guard) or on active duty as

- a member of a reserve or national guard component of these services;
- b. is a member of the United States Armed Forces who is assigned to a duty station located in Maryland;
- c. is a spouse of a member of the United States Armed Forces who is assigned to a duty station located in Maryland;
- d. is a spouse of a recently discharged veteran or member of the United States Armed Forces, or surviving spouse of a member of the United States Armed Forces.

How does it help?

It helps facilitate the process for qualified veteran and military spouses who are actively licensed in other states to obtain certain licenses in Maryland.

The Division of Occupational and Professional Licensing will expedite the license application for all qualified veteran and military spouses. Once an application has been submitted, please forward all supporting documentation for expedited processing directly to [Teresa Mena](#), 410-230-6221.

The Commissioner of Financial Regulation will expedite the license application for all qualified veteran and military spouses. Once an application has been submitted, please forward all supporting documentation for expedited processing directly to [Arlene F. Williams](#), Acting Director of Mortgage Licensing Mortgage Licensing Supervisor, 410-230-6068.

When to apply?

Veterans

A veteran must apply for a license within one year of the date the individual was discharged or separated from active military service.

Current service members

Current service members may apply when assigned to a duty station located in the State.

Military Spouses

A military spouse may apply when the person's spouse is assigned to a duty station located in the State.

Surviving Military Spouses

A surviving spouse of a member of the United States Armed Forces must apply for a license within one year of the date the service member died.

A surviving spouse of a veteran of the United States Armed Forces must apply within one year of the date the veteran received an honorable discharge or was otherwise separated from service in Armed Forces of the United States.

General documents to determine eligibility



Apply for a Reciprocal License (Pennsylvania and Oklahoma Licensees ONLY) - Real Estate Commission

Download the [Original Application for Reciprocal Real Estate License \(Word\)](#)

[Maryland Annotated Code of Maryland, Business and Occupations, Article 17-3A- Reciprocity](#)

In accordance with Title 17-3A of the Annotated Code of Maryland, the following is a list of states with which the Maryland Real Estate Commission has signed a reciprocal agreement:

[Pennsylvania Reciprocity Agreement \(Word\)](#) and [Renewal Application for Reciprocal Real Estate License Under Reciprocal Agreement with Pennsylvania \(Word\)](#)

[Oklahoma Reciprocity Agreement](#)

The terms of a reciprocal agreement are specific and must be met. View basic terms and download the application and instructions for these states only.

For all other states, apply for an [Out-of-State License Recognition \(Waiver\)](#).

To qualify for a Maryland license under a reciprocal agreement, the basic terms are as follows:

- You must have gained your **first** license in a state with a reciprocal agreement with MREC
- You must submit a full and complete certified license history with the application
- Your license must be current and active
- A broker needs a Maryland license before any associate brokers or salespersons may apply
- Associate brokers and salespersons must submit a letter from the sponsoring broker with the application
- The broker's business address CANNOT be in Maryland
- Your category of license in your state will be the category you apply for in Maryland
- If your license expires or goes inactive in your state, a reciprocal license becomes void
- Licensees holding a reciprocal license under the MD-PA agreement are excused from exams and continuing education
- Licensees holding a reciprocal license under the MD-OK agreement must pass the state portion of the exam, but are excused from continuing education
- Reciprocal licensure is not automatic; application must be made and fee paid
- If the principal place of business moves to Maryland, reciprocal licensees who have not previously taken an exam must do so
- The term of a reciprocal license is two years
- Applicants for a reciprocal license agree to other terms stated in [§17-3A](#)

Disclaimer: The information on this page is not to be construed as legal advice by the Maryland Real Estate Commission, the Department of Labor, Licensing and Regulation, or the Office of the Attorney General. Rather, it is being listed for informational purposes only. For responses to any factual situations, please contact your attorney.

Frequently Asked Questions - Reciprocal Licensure

1. Does Maryland issue reciprocal licenses?
2. With what states does the Commission have signed reciprocal agreements?
3. Is the Commission negotiating with any other states?
4. Has any state advised the Commission that it cannot or will not enter into a reciprocal agreement?

1. Does Maryland issue reciprocal licenses?

Title 17,§17-3A authorizes the Maryland Real Estate Commission to enter into reciprocal agreements with other states and issue reciprocal licenses to out-of-state licensees.

Applicants from the states that have agreed to credit Maryland's requirements without imposing further education, experience or examination requirements on Maryland applicants will not be required to complete any additional education experience or examination requirements in Maryland.

Applicants from states that require Maryland applicants to complete additional education, experience or examination requirements, will be required to complete similar education, experience or examination requirements in Maryland in order to be licensed.

2. With what states does the Commission have signed reciprocal agreements?

The Maryland Real Estate Commission has entered into reciprocal agreements with Pennsylvania and Oklahoma at the present time.

3. Is the Commission negotiating with any other states?

Not at the present time.



4. Has any state advised the Commission that it cannot or will not enter into a reciprocal agreement?

Delaware has advised that they do not have the authority to enter into a reciprocal agreement. We will be contacting each state or may be contacted by other states in the near future.

Apply for Reciprocal License (download) [RECIPROCAL APPLICATION\(s\)](#) (Word)

<http://www.dllr.state.md.us/license/mrec/mrec recip.shtml>

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Out-of-State License Recognition - How an Out-of-State Licensee Applies for Licensure in Maryland - Real Estate Commission

The Commission only has reciprocal agreements with Pennsylvania and Oklahoma. Individuals actively licensed in all other states may start the process by providing a certificate of full licensing history from the state where they were first licensed and are currently licensed. Send the history document (original only, not a copy) to us within 30 days of its issue date by your home state along with a cover letter, personally signed, with your mailing address and complete contact information, including an email address. Send to the Education Administrator, Maryland Real Estate Commission, 500 North Calvert Street, Baltimore, MD 21202-3651. Do not fax or email this information. If qualified, you will be sent all information needed to register for the exam, and if you do not qualify you will be so advised. Education and experience from a home state are reviewed for transferability, individually for each applicant. Waivers may be offered only to active licensees.



<http://www.dllr.state.md.us/license/mrec/mrecout.shtml>

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New Laws Effective October 1, 2016 - Real Estate Commission

House Bill 1453 and Senate Bill 824 Real Estate Licensees - Verification of Service Provider Licensing Status states that a licensee of the State Real Estate Commission need not verify that a specified service provider is currently licensed by the state to perform the services if the licensee offers the name of the service provider to a client in the provision of real estate brokerage services. It also requires that, if a licensee offers the name of a home improvement contractor to a licensee, the licensee verify annually that the home improvement contractor is licensed by the Maryland Home Improvement Commission. [View the text of the bill.](#) We are in the process of updating our regulations to conform to this new law.

House Bill 1469 Real Estate Brokers - Agency Relationships in Residential Real Estate Transactions - Disclosure and Consent Requirements makes significant changes to the laws governing agency relationships in residential real estate transactions. It removes presumed buyer's agency and makes changes to the definitions of the terms buyer's agent, dual agent, intra-company agent, and seller's agent. It also specifies when, and in what form, agents must disclose who they represent. Further, it requires that a certain notice be displayed at an open house. [View the text of the bill.](#) We are in the process of updating our regulations to conform to this new law.

House Bill 747 Real Estate Brokers - Licensure Requirement - Exemption for Lawyers limits an existing licensing exemption for lawyers by requiring that the lawyer is authorized to practice law in the state and is providing real estate brokerage services while representing *another person* during the course of the lawyer's regular practice of law. [View the text of the bill.](#)

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Forms and Fees - Real Estate Commission

Forms

- Real Estate Commission - Maryland Residential Property Disclosure/Disclaimer Statement (Word)
- Understanding Whom Real Estate Agents Represent
- Consent for Dual Agency
- Notification of Dual Agency within Team
- Open House Disclosure Sign - THIS DOCUMENT MAY NOT BE ALTERED, MUST BE DISPLAYED IN AT LEAST 8.5" X 11" SIZE, IN COLOR, AND REMAIN ON THE MARYLAND REAL ESTATE COMMISSION LETTERHEAD.
- Original Application for Reciprocal Real Estate License (Word)
- Renewal Application for Reciprocal Real Estate License Under Reciprocal Agreement with Pennsylvania (Word)

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Rental Security Deposit Calculator

Note that this interest rate calculation only applies to interest accruing on a security deposit under a residential lease or mobile home park rental agreement on or after January 1, 2015. Interest accruing on Maryland residential tenancies that have a start date on or before 12/31/2014 remain subject to the fixed 3% interest rate requirement for periods prior to 12/31/2014, except for residential tenancies in Prince George's County (please refer to local ordinances for details).

As of January 1, 2015, for all Maryland jurisdictions, the amount of interest a landlord or mobile home park owner must pay residential tenant upon return of the security deposit is the greater of the daily U.S. Treasury yield curve rate ("Constant Maturity Treasury") for one year, as of the first business day of each year, or 1.5%.

The Maryland Department of Housing and Community Development provides this customized calculator that determines the interest due on a security deposit by allowing a user to enter a start date (the date on which the security deposit was given to the landlord), a tenancy end date, the county in which the residence is located, and the amount of the security deposit. Note that all inputs must be included to generate a result.

Interest is only payable on security deposits of \$50 or more, and accrues at monthly intervals from the beginning of the tenancy. No interest is due or payable unless the landlord has held the security deposit for at least 6 months, or for any period less than a full month (which may happen at the end of a lease).

For information on the 2014 Maryland legislation that required the creation of this calendar, and the methodology of its calculations, go to [Background & Methodology](#).

For more information on Maryland landlord/tenant laws and support available to resolve disputes, please refer to the Maryland Attorney General's Office, Consumer Protection Division.

Also available is the downloadable ebook - Landlords and Tenants: Tips on Avoiding Disputes, which provides valuable information on state law that these arrangements are subject to.

Determinations

Date Security Deposit Given to Landlord _____

In creating this calculator, the Maryland Department of Housing and Community Development (DHCD) made the following determinations in the interpretation of the revised Real Property Article §8-203 to create the logic and formulas necessary to provide these calculations:

- Calculations are based on a start date defined as the date that the security deposit is given to the landlord, and an end date defined as the tenancy end date;
- For the purposes of the calculation, all years have 365 days. For leap years (which have 366 days), the error represents less than \$0.05 on a security deposit of \$1,000 at an interest rate of 1.5%, and \$ less than \$0.10 on a security deposit of \$1,000 at an interest rate of 3.0%.
- The interest rate used to calculate each monthly payment is the interest rate in place on the first day of the period. Should a monthly payment period encompass two calendar years, the interest rate for the first of those calendar years will be applied to that payment period; and
- Noting that the daily 1-year U.S. Treasury yield curve interest rate as of the first business day of a calendar year will only be available on January 2, 3 or 4, (depending on which day of the week January 1st falls on), any lease which begins on or after January 1 and before the first business day of the year will have the interest rate for that calendar year applied at the end of the relevant monthly period.

Security Deposit Amount \$ _____

County of Residence _____

Interest No interest is payable on a partial month at the end of a lease/tenancy.

Total \$

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