

1 *Senate* BILL NO. 328  
 2 INTRODUCED BY *Leslie Groover*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE REAL ESTATE  
 5 LICENSEES TO COMPLETE 60 HOURS OF CLASSROOM INSTRUCTION  
 6 WITHIN 2 YEARS OF INITIAL ISSUANCE OF A LICENSE; PROVIDING  
 7 FOR REVOCATION OR SUSPENSION OF LICENSE FOR FALSIFYING  
 8 STATEMENTS TO THE BOARD; AMENDING SECTION 66-1937, R.C.M.  
 9 1947."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 12 Section 1. There is a new R.C.M. section numbered  
 13 66-1943.1 that reads as follows:

14 66-1943.1. Classroom instruction required. (1) Each  
 15 real estate salesman, broker, or salesman-broker, who  
 16 receives an original license after July 1, 1977, shall  
 17 complete 60 hours of classroom instruction under a program  
 18 approved by the board within 2 years of the date of initial  
 19 issuance of a salesman or broker license. As for a person  
 20 licensed as both a salesman and a broker, the 2-year period  
 21 begins with the date of initial issuance of the first real  
 22 estate license issued to him after July 1, 1977.

23 (2) On completion of the required number of classroom  
 24 instruction hours, a licensee shall send to the board a  
 25 certificate from an approved school, institution, or program

1 or other evidence of completion of the required number of  
 2 classroom instruction hours.

3 Section 2. There is a new R.C.M. section numbered  
 4 66-1943.2 that reads as follows:

5 66-1943.2. Subjects of required classroom instruction.  
 6 (1) Approved classroom instruction shall include but is not  
 7 limited to:

- 8 (a) real estate ethics;
- 9 (b) administration of real estate license law and
- 10 other state or federal laws or regulations which affect real
- 11 estate practice;
- 12 (c) real estate finance;
- 13 (d) real estate marketing procedures, market
- 14 measurement, and market evaluation;
- 15 (e) real estate brokerage administration;
- 16 (f) real estate property management;
- 17 (g) real property exchange;
- 18 (h) land use planning and land development;
- 19 (i) real estate securities and syndication;
- 20 (j) real estate appraising; and
- 21 (k) accounting and taxation as applied to real
- 22 property.

23 (2) The following subjects may not be approved for  
 24 classroom instruction purposes:

- 25 (a) supportive office skills;

1 (b) speed reading and memory improvement courses;

2 (c) personal motivation and sales psychology; and

3 (d) any course on prelicensing.

4 Section 3. There is a new R.C.M. section numbered  
5 66-1943.3 that reads as follows:

6 66-1943.3. Board approval of real estate schools. (1)  
7 Subject to 66-1943.2 and 66-1943.4, the board shall make  
8 determinations regarding approval of real estate schools,  
9 instructional programs, and classroom courses.

10 (2) Subject to 66-1943.4, in order to operate a school  
11 offering courses in real estate instruction on a continuing  
12 basis, a person must first apply to the board on forms which  
13 it prescribes for a real estate school license. The  
14 application shall:

15 (a) state that the operator is 18 years of age or  
16 older;

17 (b) describe the courses proposed to be offered by the  
18 school;

19 (c) be accompanied by affidavits of two licensed real  
20 estate brokers attesting to the good moral character of the  
21 operator;

22 (d) be accompanied by a surety bond to the state of  
23 Montana in the amount of \$10,000, conditioned that the  
24 operator will faithfully honor the contractual rights of  
25 real estate students; and

1 (e) be accompanied by an application fee fixed by the  
2 board in a reasonable amount.

3 (3) The board may issue a real estate school license,  
4 which shall be conspicuously displayed at the school, to an  
5 operator who fulfills the requirements of subsection (2).

6 (4) A real estate school license must be renewed  
7 annually by payment of a renewal fee fixed by the board in a  
8 reasonable amount.

9 (5) The board may revoke or suspend a real estate  
10 school license at any time:

11 (a) if the surety bond required by subsection (2) is  
12 cancelled, voided, or diminished; or

13 (b) for any reason relevant to the proper delivery of  
14 instructional services, if the board reasonably considers  
15 revocation or suspension to be in the best interest of the  
16 people of Montana.

17 (6) Each real estate school licensed under this  
18 section shall provide the board with the name of each  
19 individual student within 30 days of his matriculation at  
20 the school.

21 Section 4. There is a new R.C.M. section numbered  
22 66-1943.4 that reads as follows:

23 66-1943.4. Certain courses to be approved. (1) Subject  
24 to 66-1943.2(2), the board shall approve real estate-related  
25 courses and programs offered by institutions accredited or

1 approved by the board of regents or by the national  
2 association of realtors for purposes of the classroom  
3 instruction requirements of this chapter.

4 (2) An institution or association whose courses or  
5 programs are approved pursuant to subsection (1) shall, upon  
6 request of the board, provide the board with a statement  
7 containing a description of real estate courses offered.

8 Section 5. Section 66-1937, R.C.M. 1947, is amended to  
9 read as follows:

10 \*66-1937. Grounds for refusal — suspension or  
11 revocation of license. The board may, on its own motion, and  
12 shall, on the sworn complaint in writing of a person,  
13 investigate the actions of a real estate broker or a real  
14 estate salesman, subject to sections 82A-1603 and 82A-1604,  
15 and may revoke or suspend a license issued under this act  
16 when the broker or salesman has been found guilty by a  
17 majority of the board of any of the following practices:

18 (1) Intentionally misleading, untruthful, or  
19 inaccurate advertising, whether printed or by radio,  
20 display, or other nature, which advertising in any material  
21 particular or in any material way misrepresents any  
22 property, terms, values, policies, or services of the  
23 business conducted;

24 (2) Making any false promises of a character likely to  
25 influence, persuade, or induce;

1 (3) Pursuing a continued and flagrant course of  
2 misrepresentation, or making false promises through agents  
3 or salesmen, or any medium of advertising, or otherwise;

4 (4) Use of the term "realtor" by a person not  
5 authorized to do so, or using another trade name or insignia  
6 of membership in a real estate organization of which the  
7 licensee is not a member;

8 (5) Failing to account for or to remit money coming  
9 into his possession belonging to others;

10 (6) Accepting, giving, or charging an undisclosed  
11 commission, rebate, or profit on expenditures made for a  
12 principal;

13 (7) Acting in a dual capacity of broker and  
14 undisclosed principal in a transaction;

15 (8) Guaranteeing, authorizing, or permitting a person  
16 to guarantee future profits which may result from the resale  
17 of real property;

18 (9) Offering real property for sale or lease without  
19 the knowledge and consent of the owner or his authorized  
20 agent or on terms other than those authorized by the owner  
21 or his authorized agent;

22 (10) Inducing a party to a contract of sale or lease  
23 to break the contract for the purpose of substituting a new  
24 contract with another principal;

25 (11) Accepting employment or compensation for

1 appraising real property contingent on the reporting of a  
 2 predetermined value or issuing an appraisal report on real  
 3 property in which he has an undisclosed interest;

4 (12) Negotiating a sale, exchange, or lease of real  
 5 property directly with an owner or lessee if he knows that  
 6 the owner has a written outstanding contract in connection  
 7 with the property, granting an exclusive agency to another  
 8 broker;

9 (13) Soliciting, selling, or offering for sale real  
 10 property by conducting lotteries for the purpose of  
 11 influencing a purchaser or prospective purchaser of real  
 12 property;

13 (14) Representing or attempting to represent a real  
 14 estate broker, other than the employer, without the express  
 15 knowledge or consent of the employer;

16 (15) Failing voluntarily to furnish a copy of a  
 17 written instrument to a party executing it at the time of  
 18 its execution;

19 (16) Paying a commission in connection with a real  
 20 estate sale or transaction to a person who is not licensed  
 21 as a real estate broker or real estate salesman under this  
 22 act;

23 (17) Intentionally violating a rule adopted by the  
 24 board in the interests of the public and in conformity with  
 25 this act;

1 (18) Failing, if a salesman, to place, as soon after  
 2 receipt as is practicably possible, in the custody of his  
 3 registered broker, deposit money or other money entrusted to  
 4 him as salesman by a person;

5 (19) Demonstrating his unworthiness or incompetency to  
 6 act as a broker or salesman; or

7 (20) Conviction of a felony; or

8 (21) Knowingly misrepresenting or falsifying  
 9 information contained in any application, certificate, or  
 10 statement required by this chapter to be submitted to the  
 11 board."

-End-

*Without Recommendation*  
: Business and Industry

*Senators* BILL NO. 328  
*Robert Burdover*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE REAL ESTATE  
5 LICENSEES TO COMPLETE 60 HOURS OF CLASSROOM INSTRUCTION  
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7 FOR REVOCATION OR SUSPENSION OF LICENSE FOR FALSIFYING  
8 STATEMENTS TO THE BOARD; AMENDING SECTION 66-1937, R.C.M.  
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18 approved by the board within 2 years of the date of initial  
19 issuance of a salesman or broker license. As for a person  
20 licensed as both a salesman and a broker, the 2-year period  
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5 66-1943.2. Subjects of required classroom instruction.  
6 (1) Approved classroom instruction shall include but is not  
7 limited to:  
8 (a) real estate ethics;  
9 (b) administration of real estate license law and  
10 other state or federal laws or regulations which affect real  
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14 measurement, and market evaluation;  
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20 (j) real estate appraising; and  
21 (k) accounting and taxation as applied to real  
22 property.  
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24 classroom instruction purposes:  
25 (a) supportive office skills;

- 1 (b) speed reading and memory improvement courses;  
 2 (c) personal motivation and sales psychology; and  
 3 (d) any course on prelicensing.

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6 66-1943.3. Board approval of real estate schools. (1)  
 7 Subject to 66-1943.2 and 66-1943.4, the board shall make  
 8 determinations regarding approval of real estate schools,  
 9 instructional programs, and classroom courses.

10 (2) Subject to 66-1943.4, in order to operate a school  
 11 offering courses in real estate instruction on a continuing  
 12 basis, a person must first apply to the board on forms which  
 13 it prescribes for a real estate school license. The  
 14 application shall:

15 (a) state that the operator is 18 years of age or  
 16 older;

17 (b) describe the courses proposed to be offered by the  
 18 school;

19 (c) be accompanied by affidavits of two licensed real  
 20 estate brokers attesting to the good moral character of the  
 21 operator;

22 (d) be accompanied by a surety bond to the state of  
 23 Montana in the amount of \$10,000, conditioned that the  
 24 operator will faithfully honor the contractual rights of  
 25 real estate students; and

1 (e) be accompanied by an application fee fixed by the  
 2 board in a reasonable amount.

3 (3) The board may issue a real estate school license,  
 4 which shall be conspicuously displayed at the school, to an  
 5 operator who fulfills the requirements of subsection (2).

6 (4) A real estate school license must be renewed  
 7 annually by payment of a renewal fee fixed by the board in a  
 8 reasonable amount.

9 (5) The board may revoke or suspend a real estate  
 10 school license at any time:

11 (a) if the surety bond required by subsection (2) is  
 12 cancelled, voided, or diminished; or

13 (b) for any reason relevant to the proper delivery of  
 14 instructional services, if the board reasonably considers  
 15 revocation or suspension to be in the best interest of the  
 16 people of Montana.

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 18 section shall provide the board with the name of each  
 19 individual student within 30 days of his matriculation at  
 20 the school.

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 24 to 66-1943.2(2), the board shall approve real estate-related  
 25 courses and programs offered by institutions accredited or

1 approved by the board of regents or by the national  
2 association of realtors for purposes of the classroom  
3 instruction requirements of this chapter.

4 (2) An institution or association whose courses or  
5 programs are approved pursuant to subsection (1) shall, upon  
6 request of the board, provide the board with a statement  
7 containing a description of real estate courses offered.

8 Section 5. Section 66-1937, R.C.M. 1947, is amended to  
9 read as follows:

10 "66-1937. Grounds for refusal -- suspension or  
11 revocation of license. The board may, on its own motion, and  
12 shall, on the sworn complaint in writing of a person,  
13 investigate the actions of a real estate broker or a real  
14 estate salesman, subject to sections 82A-1603 and 82A-1604,  
15 and may revoke or suspend a license issued under this act  
16 when the broker or salesman has been found guilty by a  
17 majority of the board of any of the following practices:

18 (1) Intentionally misleading, untruthful, or  
19 inaccurate advertising, whether printed or by radio,  
20 display, or other nature, which advertising in any material  
21 particular or in any material way misrepresents any  
22 property, terms, values, policies, or services of the  
23 business conducted;

24 (2) Making any false promises of a character likely to  
25 influence, persuade, or induce;

1 (3) Pursuing a continued and flagrant course of  
2 misrepresentation, or making false promises through agents  
3 or salesman, or any medium of advertising, or otherwise;

4 (4) Use of the term "realtor" by a person not  
5 authorized to do so, or using another trade name or insignia  
6 of membership in a real estate organization of which the  
7 licensee is not a member;

8 (5) Failing to account for or to remit money coming  
9 into his possession belonging to others;

10 (6) Accepting, giving, or charging an undisclosed  
11 commission, rebate, or profit on expenditures made for a  
12 principal;

13 (7) Acting in a dual capacity of broker and  
14 undisclosed principal in a transaction;

15 (8) Guaranteeing, authorizing, or permitting a person  
16 to guarantee future profits which may result from the resale  
17 of real property;

18 (9) Offering real property for sale or lease without  
19 the knowledge and consent of the owner or his authorized  
20 agent or on terms other than those authorized by the owner  
21 or his authorized agent;

22 (10) Inducing a party to a contract of sale or lease  
23 to break the contract for the purpose of substituting a new  
24 contract with another principal;

25 (11) Accepting employment or compensation for

1 appraising real property contingent on the reporting of a  
2 predetermined value or issuing an appraisal report on real  
3 property in which he has an undisclosed interest;

4 (12) Negotiating a sale, exchange, or lease of real  
5 property directly with an owner or lessee if he knows that  
6 the owner has a written outstanding contract in connection  
7 with the property, granting an exclusive agency to another  
8 broker;

9 (13) Soliciting, selling, or offering for sale real  
10 property by conducting lotteries for the purpose of  
11 influencing a purchaser or prospective purchaser of real  
12 property;

13 (14) Representing or attempting to represent a real  
14 estate broker, other than the employer, without the express  
15 knowledge or consent of the employer;

16 (15) Failing voluntarily to furnish a copy of a  
17 written instrument to a party executing it at the time of  
18 its execution;

19 (16) Paying a commission in connection with a real  
20 estate sale or transaction to a person who is not licensed  
21 as a real estate broker or real estate salesman under this  
22 act;

23 (17) Intentionally violating a rule adopted by the  
24 board in the interests of the public and in conformity with  
25 this act;

1 (18) Failing, if a salesman, to place, as soon after  
2 receipt as is practicably possible, in the custody of his  
3 registered broker, deposit money or other money entrusted to  
4 him as salesman by a person;

5 (19) Demonstrating his unworthiness or incompetency to  
6 act as a broker or salesman; or

7 (20) Conviction of a felony; or

8 ~~(21) Knowingly misrepresenting or falsifying~~  
9 ~~information contained in any application, certificate, or~~  
10 ~~statement required by this chapter to be submitted to the~~  
11 ~~board."~~

-End-



SENATE BILL NO. 328

INTRODUCED BY ROSKIE, GOODOVER

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE REAL ESTATE LICENSEES TO COMPLETE 60 28 HOURS OF CLASSROOM INSTRUCTION WITHIN EACH 2 YEARS OF FROM INITIAL ISSUANCE OF A LICENSE; PROVIDING FOR REVOCATION OR SUSPENSION OF LICENSE FOR FALSIFYING STATEMENTS TO THE BOARD; AMENDING SECTION 66-1937, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section numbered 66-1943.1 that reads as follows:

66-1943.1. Classroom instruction required. (1) Each ~~real-estate-salesman, broker, or salesman-broker, who receives an original license after July 1, 1977, shall complete 60 hours of classroom instruction under a program approved by the board within 2 years of the date of initial issuance of a salesman or broker license. As for a person licensed as both a salesman and a broker, the 2-year period begins with the date of initial issuance of the first real estate license issued to him after July 1, 1977.~~ EACH REAL ESTATE SALESMAN OR BROKER, WHO RECEIVES AN ORIGINAL LICENSE AFTER JULY 1, 1977, SHALL COMPLETE 28 HOURS OF CLASSROOM INSTRUCTION UNDER A PROGRAM APPROVED BY THE BOARD EACH 2

YEARS DURING WHICH THAT SALESMAN OR BROKER HOLDS A LICENSE. THE 2 YEAR PERIODS BEGIN WITH THE DATE OF INITIAL ISSUANCE OF THE FIRST REAL ESTATE LICENSE ISSUED TO HIM AFTER JULY 1, 1977.

(2) On completion of the required number of classroom instruction hours, a licensee shall send to the board a certificate from an approved school, institution, or program or other evidence of completion of the required number of classroom instruction hours.

Section 2. There is a new R.C.M. section numbered 66-1943.2 that reads as follows:

66-1943.2. Subjects of required classroom instruction.

(1) Approved classroom instruction shall include but is not limited to:

- (a) real estate ethics;
- (b) administration of real estate license law and other state or federal laws or regulations which affect real estate practice;
- (c) real estate finance;
- (d) real estate marketing procedures, market measurement, and market evaluation;
- (e) real estate brokerage administration;
- (f) real estate property management;
- (g) real property exchange;
- (h) land use planning and land development;

- 1 (i) real estate securities and syndication;  
 2 (j) real estate appraising; and  
 3 (k) accounting and taxation as applied to real  
 4 property.

5 (2) The following subjects may not be approved for  
 6 classroom instruction purposes:

- 7 (a) supportive office skills;  
 8 (b) speed reading and memory improvement courses;  
 9 (c) personal motivation and sales psychology; and  
 10 (d) any course on prelicensing.

11 Section 3. There is a new R.C.M. section numbered  
 12 66-1943.3 that reads as follows:

13 66-1943.3. Board approval of real estate schools. (1)  
 14 Subject to 66-1943.2 and 66-1943.4, the board shall make  
 15 determinations regarding approval of real estate schools,  
 16 instructional programs, and classroom courses. SCHOOLS  
 17 LICENSED UNDER THE PROVISIONS OF TITLE 75, CHAPTER 93,  
 18 R.C.M. 1947, SHALL BE ELIGIBLE TO OFFER INSTRUCTIONAL  
 19 PROGRAMS.

20 (2) Subject to 66-1943.4, in order to operate a school  
 21 offering courses in real estate instruction on a continuing  
 22 basis, a person must first apply to the board on forms which  
 23 it prescribes for a real estate school license. The  
 24 application shall:

- 25 (a) state that the operator is 18 years of age or

1 older;

2 (b) describe the courses proposed to be offered by the  
 3 school;

4 (c) be accompanied by affidavits of two licensed real  
 5 estate brokers attesting to the good moral character of the  
 6 operator;

7 (d) be accompanied by a surety bond to the state of  
 8 Montana in the amount of \$10,000, conditioned that the  
 9 operator will faithfully honor the contractual rights of  
 10 real estate students; and

11 (e) be accompanied by an application fee fixed by the  
 12 board in a reasonable amount.

13 (3) The board may issue a real estate school license,  
 14 which shall be conspicuously displayed at the school, to an  
 15 operator who fulfills the requirements of subsection (2).

16 (4) A real estate school license must be renewed  
 17 annually by payment of a renewal fee fixed by the board in a  
 18 reasonable amount.

19 (5) The board may revoke or suspend a real estate  
 20 school license at any time:

21 (a) if the surety bond required by subsection (2) is  
 22 cancelled, voided, or diminished; or

23 (b) for any reason relevant to the proper delivery of  
 24 instructional services, if the board reasonably considers  
 25 revocation or suspension to be in the best interest of the

1 people of Montana.

2 (6) Each real estate school licensed under this  
3 section shall provide the board with the name of each  
4 individual student within 30 days of his matriculation at  
5 the school.

6 Section 4. There is a new R.C.M. section numbered  
7 66-1943.4 that reads as follows:

8 66-1943.4. Certain courses to be approved. (1) Subject  
9 to 66-1943.2(2), the board shall approve real estate-related  
10 courses and programs offered by SCHOOLS OF institutions  
11 accredited or approved by the board of regents or by the  
12 national association of realtors, OR LICENSED UNDER TITLE  
13 15, CHAPTER 92 for purposes of the classroom instruction  
14 requirements of this chapter. SUCH SCHOOLS OR INSTITUTIONS  
15 ARE NOT SUBJECT TO THE LICENSING AND BONDING REQUIREMENTS OF  
16 66-1943.3.

17 (2) An institution or association whose courses or  
18 programs are approved pursuant to subsection (1) shall, upon  
19 request of the board, provide the board with a statement  
20 containing a description of real estate courses offered.

21 Section 5. Section 66-1937, R.C.M. 1947, is amended to  
22 read as follows:

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25 shall, on the sworn complaint in writing of a person,

1 investigate the actions of a real estate broker or a real  
2 estate salesman, subject to sections 82A-1603 and 82A-1604,  
3 and may revoke or suspend a license issued under this act  
4 when the broker or salesman has been found guilty by a  
5 majority of the board of any of the following practices:

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11 business conducted;

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13 influence, persuade, or induce;

14 (3) Pursuing a continued and flagrant course of  
15 misrepresentation, or making false promises through agents  
16 or salesman, or any medium of advertising, or otherwise;

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18 authorized to do so, or using another trade name or insignia  
19 of membership in a real estate organization of which the  
20 licensee is not a member;

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22 into his possession belonging to others;

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24 commission, rebate, or profit on expenditures made for a  
25 principal;

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2 undisclosed principal in a transaction;

3 (8) Guaranteeing, authorizing, or permitting a person  
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5 of real property;

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7 the knowledge and consent of the owner or his authorized  
8 agent or on terms other than those authorized by the owner  
9 or his authorized agent;

10 (10) Inducing a party to a contract of sale or lease  
11 to break the contract for the purpose of substituting a new  
12 contract with another principal;

13 (11) Accepting employment or compensation for  
14 appraising real property contingent on the reporting of a  
15 predetermined value or issuing an appraisal report on real  
16 property in which he has an undisclosed interest;

17 (12) Negotiating a sale, exchange, or lease of real  
18 property directly with an owner or lessee if he knows that  
19 the owner has a written outstanding contract in connection  
20 with the property, granting an exclusive agency to another  
21 broker;

22 (13) Soliciting, selling, or offering for sale real  
23 property by conducting lotteries for the purpose of  
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12 board in the interests of the public and in conformity with  
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15 receipt as is practicably possible, in the custody of his  
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