

OKLAHOMA REAL ESTATE LICENSE CODE AND RULES

Study Guide

By

Mike Galyon, Lt Col, USAF (Ret)

858-102

- How does the Code define Real Estate?
- How does the Code define Real Estate Broker?
- How does the Code define Broker Associate?
- How does the Code define Real Estate Associate?
- How does the Code define Provisional Sales Associate?
- What is the definition of Licensee?
- What is the Commission?
- How does the Code define "person"?

858-201

- The Oklahoma Real Estate Commission has how many members?
- What or who regulates and issues real estate licenses in Oklahoma?
- What are the basic requirements to serve as a Commissioner?
- Based on occupation, how is the Commission comprised?
- What is the limitation regarding Congressional Districts?

858-202

- Who appoints OREC Members?
- How long is the term of an OREC Member?
- What organization recommends candidates to serve as Commissioners?
- Who can remove members of OREC and for what causes/reasons?

858-203

- How much do OREC Commissioner's earn while serving in an OREC capacity?

858-204

- What are the OREC leadership positions?

858-205

- What is the Oklahoma Real Estate Commission Revolving Fund?

Oklahoma Real Estate License Code and Rules Study Guide by Mike Galyon

- How often is the Revolving Fund audited and by whom?

858-206

- Can OREC sue and be sued?
- Where must the OREC office be located?

858-208

- What are the powers and duties of OREC?

858-209

- What governs OREC and defines the procedures for OREC performance?
- What is a hearing examiner?
- Where can a hearing take place?
- Who has the burden of proof in a hearing?

858-301

- Who may engage in real estate activities?
- Who is exempt from real estate licensing?
- What is a “resident referral fee”, and what is the maximum amount?
- What is the definition of “transient lodging facility”?

858-301.1

- When will a real estate license applicant be eligible after conviction for fraud?

858-301.2

- What must a licensee do if the licensee pleads nolo contendere?

858-302

- What are the qualifications to earn a Provisional Sales Associate License?
- What must a Provisional Sales Associate accomplish before expiration of their license?

858-303

- What are the qualifications to earn a Broker License?

858-303B

Oklahoma Real Estate License Code and Rules Study Guide by Mike Galyon

- What must any broker do if the broker charges and collects fees for services?

858-307.1

- What are the terms for each type of Oklahoma Real Estate License?
- In what month does a license expire?

858-307.2

- What is the requirement for continuing education in relation to license renewal?

858-307.3

- When can a licensee with a revoked license apply for a reissue?

858-307.4

- Who pays the cost of the national criminal history record check?

858-310

- What are the requirements for establishing a real estate office?

858-312

- What are 23 ways to lose your real estate license?

858-312.1

- Who is prohibited from participation in a real estate business?

858-351

- What is a single party broker?
- what is a transaction broker?

858-352

- If a broker does not have a written agreement with a client, what is the relationship?

858-353

- What are the duties and responsibilities of a transaction broker?

858-354

- What are the duties and responsibilities of a single party broker?

858-355

- What can be the relationships when a broker assists only one party in a transaction?
- What can be the relationships when a broker assists both parties in a transaction?
- What must happen when a broker previously entered a relationship with both parties as a single party broker?
- What's the relationship with other brokers in a transaction?

858-356

- What must happen if a broker is serving as a transaction broker without a written agreement?
- Which relationship does not have vicarious liability?
- Which relationship has vicarious liability?

858-357

- What constitutes confidential information?

858-358

- What duties does a broker have when a transaction is complete?

858-359

- When a client pays (or promises to pay) a broker, does this act establish a relationship?

858-360

- What's the relationship between the Oklahoma Real Estate License Code and the Common Law of Agency?

858-361

- Who can use the word "agent"?

858-363

- Who must be associated with a real estate broker?
- Who may not refer to themselves as a "broker"?

858-401

- What is the penalty for violating the Code?
- What is the punishment for engaging in real estate activities without a license?
- Where does OREC deposit the money paid for fines?

858-402

- If OREC fines a licensee, what is the cost range of such a fine?
- What is the time limit to pay an OREC fine?
- What can happen to a licensee's license?
- After 30 days, what is the amount of the fine?
- What happens if a fine has not been paid in 60 days?

858-513

- In what instances is a licensee not required to make disclosure in a transaction?
- What may a purchaser do regarding psychologically impacted real estate?

858-514

- What is a licensee's duty regarding registered sex offenders or violent crime offenders?

858-601

- If a claimant receives a judgement against an Oklahoma Realtor for violating the code, who or what must pay?

858-602

- What happens when a license is issued for less than 36 months?

858-603

- Who may seek relief from the Oklahoma Real Estate Education and Recovery Fund?
- Under what conditions is a claimant eligible?
- When is a claimant unqualified?

858-604

- Who may apply to OREC for payment from the Oklahoma Real Estate Education and Recovery Fund?
- What is the maximum amount of a potential payment, including attorney fees?
- In order to receive payment from the Education and Recovery Fund, what must a claimant do in relation to OREC?
- What is the aggregate amount of payment by OREC?

Oklahoma Real Estate License Code and Rules Study Guide by Mike Galyon

- If the Education and Recovery Fund has insufficient money, what action may OREC take?
- What happens to the license of a licensee who loses a judgement against the licensee?
- When may a license be reinstated after a judgement against a licensee?

858-605

- When and for what purpose may OREC expend Education and Recovery Fund money at the Commission's discretion?

605:1-1-1

- What is the primary purpose of the Oklahoma Real Estate Commission?

605:1-1-4

- Who may petition the Commission to amend or repeal any rule?
- What is the Contract Forms Committee?
- What is the composition of the Contract Forms Committee?
- Who appoints the Contract Forms Committee members and in what numbers?
- Contract Forms Committee members serve for how long?

605:10-1-2

- According to the Rules, what is the definition of "advertising"?
- What is a "bona fide offer"?
- What is a "trade name"?

605:10-1-3

- What is the time limit to appeal an OREC adverse administrative action?

605:10-1-4

- What is the fee applied to a returned check for payment of a fee to OREC?

605:10-3-1

- How many clock hours must a provisional sales associate candidate complete?
- How many clock hours must a broker candidate complete?
- What is the OREC requirement concerning in-class attendance?

605:10-3-2

- For how long is a completed national criminal history record check valid?

Oklahoma Real Estate License Code and Rules Study Guide by Mike Galyon

- According to the Rules, what constitutes “good moral character”?

605:10-3-3

- If OREC denies an applicant a license, what course of action can the applicant take?
- What is the minimum number of day’s notice OREC must give before a hearing?

605:10-3-4

- What are the requirements to obtain a broker’s license?

605:10-3-5

- What must an applicant do to test?
- What is the cost for a broker examination?
- What is the cost for a provisional sales associate examination?
- Special accommodations comply with what law?
- What must an applicant do to retest after a test failure?
- What “rights does an applicant have after a failed examination?
- For how long is a test application valid and from what starting date?
- What percentile is considered a passing grade?
- For how long is the test result valid and from what starting date?
- If OREC directs an examination as disciplinary action, who pays the testing fee?

605:10-3-6

- How does the Code define continuing education?
- What is the purpose of continuing education?
- Goal of continuing education is to protect consumers from what or whom?
- Continuing education pertains to laws at what level of government?
- Who is ultimately responsible to furnish OREC with documentation of successful completion of continuing education?
- How many hours must a licensee complete?
- What constitutes evidence of completion?
- What constitutes in-class credit?
- What proves distance education credit?
- What are the limitations to course selection?
- How many hours of continuing education must be from OREC directed subject matter?
- What are the subject areas of OREC mandates for continuing education credit?
- Beyond the mandated subject matter, what term is applied to the remainder of continuing education courses?
- What may substitute for the required subject matter, and who may complete this?
- Who must complete the Broker in Charge course?

605:10-3-7

- What is the purpose of provisional sales associate post license education?
- How many hours of post license education must a provisional sales associate complete, and what is the expiration date by which such training must be accomplished?
- Who is responsible to furnish OREC with evidence of post license completion?
- What happens if a provisional sales associate fails to complete a post license course?
- Who may request an extension of time for post license course completion?

605:10-7-1

- When may a license begin conducting real estate business?

605:10-7-1.1

- What must an individual prove for license renewals and reinstatement?

605:10-7-2

- When do all licenses expire, except for provisional sales associate?
- When does a provisional sales associate license expire?
- What is the cost of a broker license?
- What is the cost of a sales associate license?
- What is the cost of a duplicate or replacement for a list or destroyed license?
- What additional fee is charged along with the license fee and for what purpose?
- When is the actual expiration of a license?
- What is the consequence of an expired license regarding the licensee's background?"?
- What is the late penalty fee for an expired license?
- By when must a renewal be filed?
- What is the penalty for late filing?
- What is the definition of "filed"?
- If a license has lapsed more than five years, what is the status of the applicant?
- What is the status of a provisional sales associate who has not successfully completed the post licensing education requirement before the expiration of their license?
- If OREC revokes a license, how much time must pass before reinstatement can occur and what is the status of the former licensee?
- What must a licensee do to renew a license regarding continuing education?
- If a sales associate obtains a broker license, what happens to the unexpired time on the sales associate license?

605:10-7-5

- Within how many days must a licensee file with OREC of a change in name or firm?
- What must accompany a name change filing with OREC?
- What is the OREC fee to change a license?

605:10-7-6

- If a licensee requests a certified license history, what is the OREC fee?

605:10-7-7

- What is the status of each branch office?
- To where would a licensee's license be issued and displayed?
- Within how many days must a new branch office broker be appointed?
- How may a branch office use a name different than the main office?

605:10-9-1

- What must each broker maintain?
- Whose licenses must a broker display?
- What is the minimum size a construction of a broker's office?
- What does OREC say about an office in a broker's residence?
- How can a broker be a broker for more than one firm?
- For whom is a broker responsible?

605:10-9-2

- What is the requirement for office identification?
- Broker office signs must have letters at least what size?

605:10-9-3

- When must trade names be registered?

605:10-9-4

- What is the first requirement for advertising real estate?
- What is the restriction regarding contact information in an advertisement?
- What must a property owner (or representative) do before advertising real estate?
- How may a licensee engage in social media as a Realtor?
- When can a licensee place a yard sign on a property?
- When and how may a licensee promote a seller incentive?
- How may associates advertise?
- If an associate operates a website, with whom must the associate register?
- What information must be on a yard sign?
- When a licensee sells or buys real estate for him/her self, what must the licensee do?
- What must a licensee include on a licensee purchase contract?
- What happens when a licensee acts as a direct employee for an owner?

605:10-9-5

- Within how many days must a broker file a change of business address with OREC?
- What is the OREC fee for a broker change of business address?
- Within how many days must a broker file a change of the broker's home address with OREC?
- What's the OREC fee to change a broker's home address?

605:10-9-6

- With the death or disability of a broker, within how many days must advertising terminate?

605:10-11-1

- All acts performed by an associate must be in the name of whom?
- Who is responsible for the acts of an associate's unlicensed assistant?

605:10-11-2

- Who retains custody of an associate's license?
- Within how many days must an associate file with OREC a change of office or firm?
- What action with OREC must the new broker take when an associate moved?
- What is the OREC fee to change offices?
- If a broker refuses to release an associate, what action must the associate take?
- When an associate moves to a new broker, within what time limit can the associate continue to engage in real estate activities?
- What is the procedure for a dissociated associate to be compensated by the prior broker?
- Within how many days must an associate file with OREC a change in home address?
- What is the OREC fee to change an associate's home address?

605:10-13-1

- What criteria must apply to any financial institution wherein earnest money is deposited?
- Whose name must be on the account?
- What is the time limit for depositing escrow funds?
- When may a broker disperse funds from a trust account?
- What is the definition of commingling?
- What must a broker do with regards to an interest bearing trust account?
- What type of accounts are prohibited for trust/escrow accounts?
- Are brokers required by OREC to maintain a trust account?
- With whom must a broker register all trust accounts?
- Who is responsible for a transaction settlement statement?
- Within what time limit must a broker "pay over" after the closing of a transaction?

Oklahoma Real Estate License Code and Rules Study Guide by Mike Galyon

- What happens to earnest money when a transaction does not consummate?
- After a transaction closes or terminates, for how long must a broker maintain the records?
- How must records be destroyed?
- For how long must original trust account records be maintained?
- If documents are transferred to alternate media, what action must be taken before the original records are destroyed?
- What is the minimum number of alternate media copies?

605:10-13-3

- To whom and when must an associate turn over all documents in a transaction?
- To whom must an associate provide a copy of all instruments in a transaction?
- Is an associate permitted to open or maintain a trust or escrow account?

605:10-13-3

- What happens to escrow money/valuables in the event of a dispute prior to disbursement?

605:10-15-1

- To whom and in what form must a licensee disclose any additional compensation a licensee may receive for recommending or referring a service or product or for any beneficial interest a licensee may have in a service or product provider?
- Who has primary responsibility for written disclosure?
- What form does OREC prescribe for disclosures?
- When must disclosures be made?

605:10-15-2

- Who does NOT determine what brokerage relationship exist?
- Who is NOT authorized to accept delivery of a contract between the parties unless the contract authorizes such action and this broker agrees to do so?
- What suggestions may a transaction broker make?
- What may a transaction broker not do?

605:10-15-3

- What is the procedure for disclosure with regards to psychologically impacted property?
- What happens if a purchaser asks about a property occupant and AIDS?

605:10-17-1

- Does OREC establish the commission rate for real estate services?

Oklahoma Real Estate License Code and Rules Study Guide by Mike Galyon

- What must happen before OREC will entertain a complaint charging a broker with failure to pay an earned commission?

605:10-17-2

- Who may file a complaint alleging misconduct against a licensee?
- If an OREC form is not used to file a complaint, what must the document have?
- In how many days and in what form does a licensee have to respond to complaint?

605:10-17-3

- What is the minimum number of days notice for an OREC formal hearing?
- Where do OREC formal hearings take place?
- What is the time limit to request a formal hearing postponement?
- When shall a formal hearing not be public?
- Who documents the procedures of an OREC formal hearing?
- What constitutes actual notification of an OREC formal hearing findings?

605:10-17-4

- What are 22 OREC prohibited dealings?

605:10-17-5

- What is substantial misrepresentation?

605:10-17-6

- What are the consequences of possessing an OREC suspended or revoked license?