

MAINE STATE LEGISLATURE

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June 20, 1974

Paul Sawyer, Executive Secretary

Real Estate Commission

Harrison B. Wetherill, Jr., Ass't

Attorney General

Authority to grant Real Estate Broker's License to an Individual who has not completed the real estate practice course as a student, but who has taught such a course

You have asked whether an individual who has never completed a real estate practice course as a student but who has taught such a course, though without proper credentials, may be issued a real estate broker's license by the commission. The answer is that the granting of a license to this individual depends on whether the real estate practice course has been completed to the satisfaction of the commission.

The facts of this particular situation are as follows: The individual was apparently authorized by the commissioner to teach a course in real estate law. Through a misunderstanding the individual taught courses in both real estate law and real estate practice. The individual was not qualified by commission standards to teach the practice course since he had not practiced for three years as a licensed broker. The students who took the practice course from this technically unqualified individual were considered by the commission to have satisfactorily completed an approved course. The individual has never participated in a real estate practice course as a student, however, at the commission's request, he submitted attendance and grade records representing his participation in the course that he taught.

This is a highly unique situation in that, ordinarily, an individual applying for a broker's license for the first time could not have had previous experience as a real estate practice instructor.

Under 32 M.R.S.A. § 4103(1)(E), "an applicant for a real estate broker's . . . license shall submit to the commission written evidence . . . that the applicant (has) satisfactorily completed an educational course in the field of real estate approved by the commission . . ."

The commission has granted licenses to students who participated in the course taught by this individual and thus, despite the individual being technically unqualified as an instructor, the commission

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has decided to approve his course, on a one-time basis. Having already approved the course, the only question then is whether, in the commission's view, the instructor of the course should be construed as having satisfactorily completed it. This decision is entirely within the discretion of the commission.

Harrison B. Wetherill
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HBW/cmf

AN INFORMAL OPINION