

1909.

APPROVAL, NOTES OF MADISON TOWNSHIP RURAL SCHOOL DISTRICT, MONTGOMERY COUNTY, OHIO—\$35,000.00.

COLUMBUS, OHIO, March 28, 1928.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1910.

REAL ESTATE LICENSE—RE-ISSUE OF LICENSE TO SALESMAN WITHOUT CHARGE.

SYLLABUS:

Where a real estate salesman has been heretofore licensed to act as a salesman for a broker and the license has been returned by such broker for cancellation, upon notice to the board of the employment of such salesman by another duly licensed broker, a new license for such salesman shall issue without charge.

COLUMBUS, OHIO, March 29, 1928.

HON. CYRUS LOCHER, *Director of Commerce, Columbus, Ohio.*

DEAR SIR:—This will acknowledge your recent communication, as follows:

“A salesman’s license was issued by A to act as a salesman for the B company in January, 1927.

This license has been returned by B for cancellation. A now has been employed as a salesman by C who holds a broker’s license.

Question: What, if any, fee should be collected from C, the broker, for the salesman’s license?”

As I interpret your inquiry, the facts are that a salesman, who has already received a license showing the name of the broker by whom he is employed, has since left the company and has been employed by another broker. The license of the salesman has been returned by the company by which he was first employed to you, and your inquiry is, what fee should be collected, if any, from the broker by whom he is now employed.

Section 6373-34 of the General Code requires that a salesman’s license shall show the name of the real estate broker by whom he is or is to be employed.

Section 6373-36, General Code, is as follows:

“The license of both the real estate broker and the salesman employed by him shall be prominently displayed in the office or place of business of the real estate broker, and no license shall authorize the licensee to do business

except from the location stipulated therein. The license of each real estate salesman shall be mailed to and remain in the possession of the licensed broker by whom he is or is to be employed until cancelled, or until such licensee shall leave the employment of such broker. Immediately upon the withdrawal of a real estate salesman from the employment of a broker, the broker shall return the salesman's license to the state board of real estate examiners for cancellation. In case of any change of business location, notice in writing shall be given to the state board of real estate examiners, whereupon such board shall issue a new license or licenses for the unexpired period without charge. A change of business location without such notice and the issuance of such new licenses, shall automatically cancel the licenses theretofore issued, and effected (affected) thereby. The requirements and privileges herein provided for cases of change of business location shall also apply to cases in which any person named in a firm or corporation license shall sever his connection with the licensee and engage in business on his individual account, or in partnership with another licensee, or another person named in a firm or corporation license."

You will observe that this section requires the license of each salesman to be mailed to and remain in the possession of the broker by whom he is employed. Upon withdrawal of the salesman from such employ, the broker is required to return the license to the board for cancellation. You state that in this instance this has been done. The statute further provides that "in case of any change of business location, notice in writing shall be given to the state board of real estate examiners, whereupon such board shall issue a new license or licenses for the unexpired period without charge."

While the term "change of business location" is, perhaps, not very apt, it seems to me, from a reading of the section as a whole, that it includes a change of business connection on the part of the real estate salesman. That is to say, upon due notice in writing to the board by the salesman, stating that he has made the change of business connection, a new license shall issue for the unexpired period without charge. This new license should, under the provisions of the section, be mailed to and remain in the possession of the broker by whom he is now to be employed.

Answering your inquiry specifically, I am of the opinion that where a real estate salesman has been heretofore licensed to act as a salesman for a broker and the license has been returned by such broker for cancellation, upon notice to the board of the employment of such salesman by another duly licensed broker, a new license for such salesman shall issue without charge.

Respectfully,
EDWARD C. TURNER,
Attorney General.