



Document #136

**UNLICENSED ASSISTANT GUIDELINES**

Every year we receive numerous inquiries as to what unlicensed assistants can and cannot do under Indiana license laws. The guidelines, as enumerated in 876 IAC 1-1-42) can be summarized as follows:

**An unlicensed assistant CANNOT perform the following:**

1. Prepare promotional materials or advertisements without the review and approval of the supervising licensee.
2. Show real property.
3. Answer questions about listings other than those concerning list price, address, or geographic directions.
4. Discuss or explain a contract, listing, lease, agreement, or other real estate document with any broker or salesperson outside the licensee's firm or with any potential client or customer.
5. Conduct open houses.
6. Conduct telemarketing or telephone canvassing to schedule appointments in order to seek listings.
7. Negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee.

**Based on the above guidelines, an unlicensed assistant CAN perform the following:**

1. Answer the phone, forward calls to a licensee, give out addresses, directions and list price.
2. Submit listings and changes to a multiple listing service.
3. Follow up on loan commitments after a contract has been negotiated.
4. Assemble documents for closings.
5. Obtain documents and information from the courthouse, utility offices, title companies and others.
6. Write ads for approval by the licensee and supervising broker and place advertising (promotional information, newspaper ads, website, etc.).
7. Record deposits and advance rents.
8. Type (not draft!) contract forms for approval by the licensee and supervising broker.
9. Monitor licenses and personnel files.
10. Compute commission checks.
11. Place and collect signs on property.
12. Order items as directed by the licensee.
13. Prepare flyers and promotional information for approval by the licensee and supervising broker.
14. Pick up and deliver any items as directed by the licensee.
15. Schedule appointments for licensee to show listed property.

In short, the more permissible activities are those of an administrative, secretarial or clerical nature. An activity will not be permissible that falls within the language set forth in I.C. 25-34.1-3-2 "sell, buy, trade, exchange, option, lease, rent, manage, list, or appraise real estate or negotiate...". In other words, the more contact the unlicensed assistant has with the public, the more likely it will require a license. If your assistant is licensed, then he/she may perform most of the above listed acts. However, an assistant whose license is held by the Indiana Real Estate Commission is only permitted to perform the tasks of an unlicensed assistant.

Remember, allowing an unlicensed assistant to perform acts that require a real estate license subjects the responsible licensee to potential disciplinary sanctions which may include license suspension, revocation, a letter of