

1978 WL 35027 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
August 8, 1978

*1 Ryan Johnson
Deputy Commissioner
S. C. Real Estate Commission
2221 Devine Street, Suite 530
Columbia, SC 29205

Dear Ryan:

Recently you requested an opinion from this Office concerning the legality of certain conduct, in view of the rules and regulations governing the real estate profession of South Carolina.

The question presented is whether or not an individual must be licensed by the South Carolina Real Estate Commission, either as a broker or as a salesman, if he performs certain functions for members of the public. In particular, the individual would provide members of the public with all the necessary information, including signs, forms and instruction booklets, needed for the sale of residential real estate. The individual in question would not be involved in the listing, sale, auction, purchase, or exchange or lease of any real estate nor would the individual be employed by the owner of real estate to conduct the sale, auction, leasing or other disposition thereof. In essence, the individual would provide an instructional service to the real estate owner, for a sum of money, unrelated to the eventual sale of the real estate itself.

As long as the individual receives a fixed fee for providing general real estate sales information to a member of the public, I do not believe he will run afoul of the requirements mandating licensing by the Real Estate Commission. It should be noted that the individual should not make his fee contingent upon the eventual sale of the particular real estate in question. Nor should the individual provide any prospective purchaser with information about the real estate.

The narrow answer to your question is that an individual who provides purely informational services to members of the public concerning the sale of residential real estate does not meet the definition of a broker as used in Code Section 40-57-10. This Opinion assumes that the individual in question receives a fixed fee for those services, unrelated to the selling price or actual sale of the real estate, and is further based on the assumption that the individual provide no other services related to the eventual or actual sale of real estate.

I hope this information will be helpful to you, and if I can be of any additional service to you in this matter please let me know.

Sincerely,

George C. Beighley
Assistant Attorney General

1978 WL 35027 (S.C.A.G.)