

1974 WL 28115 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 26, 1974

\*1 Lifting Systems, Inc.  
14055 Cedar Road  
South Euclid, Ohio 44118

Dear Mr. Adelman:

The Honorable R. H. Baer, South Carolina Real Estate Commissioner, has requested that this Office advise you as to the law of this State pertaining to the licensing of real estate brokers .

Section 56-1545.1 of the Code of Laws of South Carolina, defines 'broker' as:

Any person who for a fee, commission or other valuable consideration, or with the intent of expectation of receiving a fee, commission or consideration, negotiates or attempts to negotiates the listing, sale, auction, purchase, exchange or lease of any real estate or of the improvements thereon, or collects rents or attempts to collect rents or who advertises or holds himself but as engaged in any of the foregoing activities. The term also includes any person employed by or on behalf of the owner of real estate to conduct the sale, auction, leasing, or other disposition thereof at a salary or for a fee, commission or any other consideration. It also includes any person who engages in business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby he undertakes primarily to promote the sale of real estate through its listing in a publication issued primarily for such purpose or for referral of information concerning such real estate to brokers, or both.

Based upon the foregoing definition, it is clear that your service is designed to promote the sale of real estate, and at best evades the law of this State as pertaining to the licensing of real estate brokers. It is the opinion of this Office, that the service you apparently render, based upon your letter of July 13, 1974, does come Within the definition of a real estate broker, and as such requires licensing by the South Carolina Real Estate Commission is such practice is to continue.

I advise you that the penalties for acting as a real estate broker without being licensed by the appropriate commission, involve a maximum fine of \$500.00 and imprisonment of not more than six (6) months.

If you have any questions concerning this Office's position, or that of the Real Estate Commission in this matter, I would appreciate your contracting me directly.

Very truly yours,

Timothy G. Quinn  
Senior Assistant Attorney General

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