

## 2nd Draft

Title 16  
Chapter 61  
Part 16

### Changes:

Para. G. Develop a written office checklist describing the duties and responsibilities of brokers within the brokerage. The checklist shall:

**Note:** Change #3 to read: AB has a duty to inform QB of any situation in which the AB is unsure, untrained, or concerned and a duty to be competent in their area of expertise. QB has a duty to help resolve these issues. And, add #5 to read: AB shall present all personal advertising drafts to QB for approval.

Para. H. Provide guidance to new licensees throughout their first three transactions or more if deemed necessary by QB. Guidance for all new and experienced licensees shall include but not be limited to:

1. Review of the office checklist.
2. Provide consultation, ongoing training and education to help associate broker avoid violations of local, state, and federal laws regarding real estate and rules of the real estate commission.
3. If the qualifying broker has actual knowledge of a potential or actual violation relating to the previous list, the QB must timely take action to mitigate the potential or actual violation.
4. Respond to AB promptly regarding any issues on the previous list.
5. Provide assistance in preparing contracts as necessary.
6. Monitor transactions as necessary.
7. Instruct AB to review closing documents and attend closings or have an experienced substitute at client or customer's direction (unless restricted by title company).

**Note:** Para. H & I are combined. So J. would become I, and all paragraph lettering below would change. New Para. I as follows:

- I. Direct all ABs to provide the drafts of personal advertising of real estate services to the QB for review and approval.

- N. Delete the word “Assure.”
- O. Substitute the word “Direct” for the word Ensure.
- S. Substitute the word “Direct” for the word Ensure.
- T. Substitute the word “Instruct” for the word Ensure.

#### 16.61.16.10 MITIGATING FACTORS TO QUALIFYING BROKER RESPONSIBILITIES

##### Changes (shortened as follows):

- A. The qualifying broker has a written checklist to help prevent an AB from violating state or federal laws regarding real estate or rules of the real estate commission as demonstrated by all of the following:
  - 1. The qualifying broker can demonstrate access was provided to AB in any of the following: (use the list shown as (a) (b) (c) & (d).
- B. Delete the last sentence.

NOTE: These revisions significantly shorten the red-lined version. Some reference should/could be made to the “supervisory plan” which is supposed to be filed with a QB’s application for renewal. Maybe it would go under the mitigating circumstances (??), or maybe in Para. G. Not sure where it fits best.