

# Vermont Real Estate Commission Guidance Memorandum

## Guidelines for Assistants Working in a Real Estate Office Adopted: February 19, 2008

The Commission has received questions from licensees asking for guidelines defining the permitted activities of "assistants". These requests have come at a good time, because in Vermont, it is getting more and more common for real estate licensees to hire assistants to assist them with tasks associated with their practice.

The Commission has addressed this issue in this guide. However, in brief a good rule is that an unlicensed assistant should have no conversations with the buyer or seller beyond providing secretarial assistance or factual information on listings. The use of personal assistants in the real estate profession can be productive and useful, if the licensed broker insures that all of the safeguards are in place.

### Unlicensed Assistants

In the case of an unlicensed assistant, for example, Vermont law specifically states:

*"...a person, firm, partnership, association or corporation shall not engage in the business or act in the capacity of real estate broker or salesperson within this state without first obtaining a license..." (Title 26, Chapter 41, §2212)*

To best protect themselves under the law, licensees must take steps to insure that unlicensed assistants have no contact with either buyers or sellers that would involve any solicitation or inducement. Even allowing the assistant to receive phone calls, for example, could possibly involve both the assistant and the licensee in a violation of the law.

To help further define the role of an unlicensed assistant in a real estate business, the Commission has created a partial list of approved activities:

### What An Unlicensed Assistant Can Do Under the Supervision of a Vermont Licensed Broker

1. Provide printed data sheets (again, without any solicitation on behalf of the assistant);
2. Perform clerical duties, which may include answering the telephone and forwarding calls;
3. Input data on listings and changes to multiple listing services for approval by the licensee and/or supervising broker;
4. Type contract forms for approval by licensee and supervising broker;
5. Pick up and deliver paperwork to other brokers and salespersons;
6. Follow-up on loan commitments after a contract has been negotiated, and pick up and deliver loan documents requiring signatures;
7. Obtain status reports on a loans progress;
8. Assemble closing documents;
9. Obtain required public information from the municipal land records, public utilities, etc.;
10. Write advertising for approval by the licensee and supervising broker, and arrange to place the advertising;
11. Have keys made for company listings, and place signs on listed property;
12. Assist a licensee at open houses to provide security, and hand out pre-approved promotional material;
13. Gather information required for a Comparative Market Analysis; and
14. Schedule appointments for licensee to show a listed property;