

UNLICENSED ASSISTANTS / VIRTUAL ASSISTANTS

What is an unlicensed assistant?

An unlicensed assistant is someone who performs *administrative* tasks indirectly related to real estate transactions. Although many of the activities which take place in a real estate brokerage office require a license, common sense dictates that many administrative support activities can be legally conducted in a real estate brokerage office that do not require licensure. There may sometimes exist only a thin line between activities that require licensure and those that do not. *Administrative* tasks are activities which are indirectly related to activities performed by a real estate licensee. Unlicensed assistants may perform *administrative* support activities.

What is a virtual assistant?

A virtual assistant is an independent person who offers business support services in a virtual environment. With the growth of the internet, changing demographics, corporate downsizing, and the evolution of telecommuting relationships, the concept of virtual assistants has flourished.

What MAY an unlicensed assistant / virtual assistant do?

The following is a list of *administrative* functions which may be performed by an unlicensed assistant *under the direction of a licensee and supervising broker*:

- Answer phones, forward calls to or take messages for licensees.
- Transmit listings and changes to a multiple listing service.
- Follow up on *administrative* aspects of loan commitments *after* a contract has been negotiated by a licensee.
- Draft and assemble transaction documents, draft correspondence, do office filing, develop and maintain mailing lists, and perform other clerical duties for a licensee.
- Research, secure documents, make and deliver copies from public records.
- Have keys made for company listings.
- Act as a courier service to deliver documents, pick up keys, etc.
- Write and prepare newsletters, advertising, flyers, and promotional information and place such advertising after approval by licensee and supervising broker. **Remember: NRS 645.315 requires that ALL advertising must be done under the direct supervision of and in the name of the brokerage.**
- Perform bookkeeping, record and deposit trust funds under direction of the broker.
- Monitor licenses and personnel files.
- Place and/or remove signs on property.
- Accept rental payments and issue receipts at the broker's place of business.
- Witness signatures.
- Schedule routine inspections and arrange for routine repairs on property.

What activities CANNOT be performed by an unlicensed assistant / virtual assistant?

An unlicensed assistant **CANNOT**:

- Meet with clients to obtain or renew brokerage agreements or property management agreements.

(continued on page 2)

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

realest@red.state.nv.us

www.red.state.nv.us

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(continued from page 1)

What activities CANNOT be performed by an unlicensed assistant / virtual assistant?

An unlicensed assistant **CANNOT**:

- Negotiate or agree to any commission, commission split, management fee or referral fee on behalf of a licensee or receive a referral fee from a licensee.
- Provide advice or guidance to a client or consumer regarding a real estate contract, brokerage agreement, property management agreement, title, financing, closing or other real estate document.
- Show property or provide clients or consumers information on listings.
- Answer any questions about a listing, including asking price, square footage, age of structure.
- Give listing presentations, interview buyers or present or negotiate offers.
- Contact or solicit prospective sellers or buyers, landlords or tenants, including scheduling appointments as a result of a telemarketing survey asking any of those parties if they would like to speak with a licensee about their real estate questions.

May an unlicensed assistant host an open house?

Yes, but care must be taken that the unlicensed assistant does not **show** the property to prospective purchasers. That means an unlicensed assistant may welcome visitors, hand-out brochures prepared by the licensee and serve refreshments at an open house, but all inquiries about the listing must be referred to a licensee. The host must NOT point out features of the home or neighborhood to visitors, but may distribute flyers or brochures prepared by a licensee that describe the property. The same rules for what an unlicensed assistant can and cannot do apply to hosting an open house.

What are the broker's responsibilities regarding unlicensed assistants?

Brokers who employ unlicensed assistants or whose licensed associates are using unlicensed personal assistants, are responsible for assuring that such unlicensed persons are not involved in activities which require a license.

Brokers should establish guidelines for the use of unlicensed persons and procedures for monitoring their activities. It is the responsibility of the employing broker to assure that unlicensed assistants, either directly employed by the broker or employed by a licensee, are not acting improperly (NAC 645.600).

What actions may be taken if an unlicensed assistant conducts activities which require a license?

In addition to any other remedy or penalty, the Real Estate Commission may impose an administrative fine against any unlicensed person who knowingly engages in any activity for which a license, permit, certificate, registration or authorization is required. The Commission may also impose an administrative fine against any person who knowingly assists an unlicensed person to engage in any activity for which a license, permit, certificate, registration or authorization is required. The amount of the fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or \$5,000.00, whichever amount is greater (NRS 645.235).