

§13067-A. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the commission may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [PL 2007, c. 402, Pt. BB, §12 (NEW).]

1. Lack of trustworthiness. Lack of trustworthiness and competence to transact real estate brokerage services in such manner as to safeguard the interests of the public; [PL 2007, c. 402, Pt. BB, §12 (NEW).]

2. Misconduct. Any act or conduct, whether of the same or different character than specified in this chapter, that constitutes or demonstrates bad faith, incompetency, untrustworthiness or dishonest, fraudulent or improper dealings; [PL 2007, c. 402, Pt. BB, §12 (NEW).]

3. Act that constitutes grounds for denial. Performing or attempting to perform any act or acts for which a license may lawfully be denied to any applicant; [PL 2007, c. 402, Pt. BB, §12 (NEW).]

4. Substantial misrepresentation. Making any substantial misrepresentation by omission or commission, but not including innocent misrepresentation; [PL 2007, c. 402, Pt. BB, §12 (NEW).]

5. Failure to protect principal. Failing to act in a reasonably prudent manner in order to protect and promote the interests of the principal with absolute fidelity; [PL 2007, c. 402, Pt. BB, §12 (NEW).]

6. Failure to avoid error, exaggeration or concealment. Failing to act in a reasonably prudent manner in order to avoid error, exaggeration or concealment of pertinent information; [PL 2007, c. 402, Pt. BB, §12 (NEW).]

7. Liability of agency and designated broker. Violation of this chapter by a licensed or unlicensed person acting on the agency's behalf if:

A. The designated broker had prior knowledge and did not take reasonable action to prevent the violation; [PL 2007, c. 402, Pt. BB, §12 (NEW).]

B. The designated broker permitted or authorized a person to engage in activity for which that person was not properly licensed; or [PL 2007, c. 402, Pt. BB, §12 (NEW).]

C. The designated broker failed to exercise a reasonable degree of supervision over employees and independent contractors commensurate with their qualifications and experience; [PL 2007, c. 402, Pt. BB, §12 (NEW).]
[PL 2007, c. 402, Pt. BB, §12 (NEW).]

8. Unlawful payment. Offering, promising, allowing, giving or paying, directly or indirectly, any part or share of compensation arising or accruing from a real estate brokerage transaction to any person who is not licensed to perform the service for which the person is or would be compensated, if a license is required under this chapter for performance of that service. A licensee may not be employed by or accept brokerage compensation from any person other than the agency under which the licensee is at the time licensed. An agency may share compensation with a nonresident licensee when the service by the nonresident is performed outside this State; [PL 2007, c. 402, Pt. BB, §12 (NEW).]

9. Suspension or revocation of license. Having had a professional or occupational license application rejected for reasons related to untrustworthiness within 3 years prior to the date of application or had a professional or occupational license suspended or revoked for disciplinary reasons; and

[PL 2017, c. 210, Pt. F, §1 (AMD).]

10. Failure to meet professional qualifications; failure to submit complete application. Failing to meet the professional qualifications for licensure as provided in this subchapter or failing to submit a complete application within 30 days after being notified of the materials needed to complete the application.

[PL 2007, c. 402, Pt. BB, §12 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. BB, §12 (NEW). PL 2017, c. 210, Pt. F, §1 (AMD).

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