

Real Estate Exam Guide and Review Tests Compiled by Bill Plunkett and Students

THIS IS A BRIEF OVERVIEW OF CHAPTERS THAT MAYBE HELPFUL!!!

- *Independent Contractor or Employee*
- Independent contractor must pay his own expenses.
- According to IRS code section 3508[A, B], real estate agents are statutory nonemployees and are therefore independent contractors. The code also states that there must be a written contract between the broker and the sales associate, also reviewed every 12-15 months
- All records must be kept for 3 years
- If sales associate not deemed independent then they will not be able to file "SCHEDULE C" of the federal return
- The Independent Contractor Relationship
 - ⊗ Salespersons are free to engage in outside employment
 - ⊗ Either party may terminate the relationship at any time
- *License Law & Regulations*
- The New York Department of State, **Division of licensing Services** is the regulatory agency that oversees and administers the licensure process. Most of the law pertaining to salespersons and brokers is contained in **Article 12-A** of the real property law.
- A real estate broker is any person, partnership, association or corporation who, for another, and for compensation of any kind, negotiates any form of real estate transaction. Real estate brokers supervise and are responsible for the activities of associate brokers and salespersons in their employ.
- A salesperson or an associate broker cannot operate independently.
- Duties That Require Licensure
 - ⊗ Selling or purchasing real estate at an auction
 - ⊗ Negotiating the sale of a business for which the value of the real estate transferred is not merely incidental to the transaction (RE value is worth more than the business)
 - ⊗ Salespersons must be 18 years of age.
 - ⊗ Brokers must be 20 years old with 2 years experience
 - ⊗ Points for Broker License work as salesperson & 3500 points or 3 years and 5250 points.
 - ⊗ Licenses are renewed every two(2) years
- Exemptions to Licensure
 - ⊗ Building superintendents or maintenance workers who perform tasks such as rent collecting for one owner, company or entity.
- Classes of Licensure for Brokers
 - ⊗ Each officer of a corporation or member of a co-partnership must be licensed as a broker.
 - ⊗ Salespersons licenses are not issued to officers of corporations or

Mortgage Broker Study Guide

Real Estate Institute

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