

ITHACA BOARD OF REALTORS®, INC.
957 Mitchell St.
Ithaca, NY 14850
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Unlicensed Personal Assistants and Secretaries

The Department of State, Division of Licensing Services has prepared a list of what real estate activities unlicensed assistants may perform. We have copied it onto the back of this form. Please read it carefully. In carrying out these duties, whether as an employee or as an independent contractor you have a responsibility to keep all information, materials, and computer access confidential.

PERSONAL ASSISTANT/SECRETARY SIGN

1. In accepting computer access I agree that I will let no one have access to the material, either directly or indirectly. I will keep my computer access codes secure. Access to the MLS system, whether through using the MLS book or through using the MLS computer access, will take place only in the brokerage office or in the home office of the agent whom I am assisting.
2. I have read and understand the list of acceptable duties of an unlicensed personal assistant.
3. I am working as a Personal Assistant/Secretary for _____, an agent with [firm name] _____ **or** directly for the firm of _____.

Dated _____ Signed _____ [Print last name] _____

AGENT SIGN

As the agent who has arranged to have the above person as my personal assistant/secretary, I have read the material from the Department of State. I am aware that I may have obligations as an employer should the person be considered an employee. I will not give the person my computer access codes but require them to have their own. Should they no longer be acting as my personal assistant/secretary, I shall immediately inform my principal broker and the board office.

Date _____ Signed _____

PRINCIPAL BROKER SIGN

I am the principal broker of [firm name] _____.

The unlicensed personal assistant/secretary above is:

- Affiliated directly with my firm as an employee or independent contractor.
or Affiliated with the above licensee as an employee or independent contractor. I have read the Department of State material. I shall require separate computer access codes and immediately notify the board office of any changes in personnel in my office or changes in personal assistants/secretaries associated with agents affiliated with my firm

Date _____ Signed _____ Firm _____

UNLICENSED REAL ESTATE ASSISTANTS

State of New York – Department of State – Division of Licensing Services – Albany, NY 12208-3490

Across the country, more and more real estate businesses are utilizing unlicensed employees or personal assistants to help with routine tasks. Consideration must be carefully given to the assignments given to these unlicensed individuals.

WHAT MAY THEY LEGALLY DO? In general they may engage in any office activities that are not specified in Section 440 of Article 12A of the New York State Real Property Law.

Some of these general office activities that may be performed by an employee, secretary or a personal assistant who does not hold a real estate license are:

- Answer the phone, forward calls, and take messages
- Arrange appointments, by telephone, for the licensee
- Follow up on loan commitments after a contract has been negotiated and generally secure status reports on the loan progress
- Assemble documents for closing
- Write ads for approval of broker and place approved classified advertising
- Type contract forms for approval of broker
- Compute commission checks
- Place or remove signs from property.
- Order items of repair as directed by broker
- Prepare flyers and promotional information for approval by broker
- Schedule appointments for licensees to show listed property
- Gather information for a comparative market analysis
- Gather information for an appraisal
- Monitor licenses and personnel files
- Perform secretarial and clerical duties such as typing of letters and filing

WHO IS RESPONSIBLE? The licensed broker is explicitly responsible for the supervision and control of activities conducted in the name of the licensed real estate business. The broker is required to extend and provide necessary training, supervision and control over licensed and nonlicensed services being provided to consumers on behalf of the licensed brokerage business, including any work performed on behalf of the brokerage or on behalf of its associate brokers or salespeople by unlicensed assistants.

HOW SHOULD PAYMENT BE MADE? Unlicensed assistants may be paid directly by either the licensed broker or salesperson. The method of reimbursement for unlicensed activities is best handled on any hourly, per activity, or salaried basis.

If compensated on a completed transaction basis, the assistant must be licensed as a real estate salesperson and must receive compensation directly from the licensed broker.



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**ITHACA BOARD OF REALTORS, INC. - MEMBER/USER RECORD
PERSONAL ASSISTANT/SECRETARY {10/26/09}**

For Board office use only: Date Processed ____/____/____

Office # _____ **Agent #** _____ **SL** _____

NAME (Last, First, M.I.) _____

OFFICE/COMPANY _____

When did you start at this company? ____/____/____

Category with this board:

____ Unlicensed Personal Assistant/Secretary w/REALTOR _____

____ Other

Please indicate your preferred Office telephone number:

#() _____

Optional phone numbers such as Home, FAX, and Cellular

#1 Extra Phone: Description _____ #() _____

#2 Extra Phone: Description _____ #() _____

Please give us your Office e-mail address _____

Date _____ Signed _____

**MULTIPLE LISTING SERVICE ACCESS FORM
ITHACA BOARD OF REALTORS**

Date: _____

In accepting my personal computer access code for the Ithaca Board of REALTORS®, Inc., Multiple Listing Service, I agree to the following conditions:

1. I will not reveal this access code and data, or allow it to be used by anyone including customer, client, fellow worker, or family.
2. I understand that the information and the manner in which it is organized is confidential and copyright.
3. I understand that the system is to be used only for authorized real estate purposes.
4. I understand that I am personally responsible for misuse of my access code and such misuse can lead to severe sanctions.

FIRM _____

NAME _____
(please print)

SIGNATURE _____