

# Triad MLS Unlicensed Assistant Request Policy

**Please note this is a two-page form. Both pages must be signed and submitted to your association for consideration. This form must be completed by the broker-in-charge and signed by the broker, supervising agent (if applicable), and the applicant.**

The broker-in-charge, supervising agent (if applicable), and applicant are required to complete this Triad MLS Unlicensed Assistant Request Application and forward it to the MLS coordinator at their Association. The application will be submitted to Triad MLS staff for recommendation to the Triad MLS Board of Directors for final approval.

The person requesting access for the unlicensed assistant must be the broker-in-charge. Approved applications apply only to the specific person while he or she is employed on a specific job. Such job (as indicated on the Unlicensed Assistant Request Application) and use of the on-line MLS system shall not be in violation of any policies of the Triad MLS or any agreements to which Triad MLS is a party. Any violation of such policies or unauthorized use shall subject the applicant, broker-in-charge, and supervising agent (if applicable) to penalties to be determined by the Triad MLS Board of Directors and to any other remedies available under law. If there is any change of the broker-in-charge, this application is null and void and must be resubmitted.

## Unlicensed Assistants — Permitted Activities (per the NCREC)

The use of unlicensed assistants and other unlicensed office personnel in the real estate industry is very widespread and the Commission is frequently asked by licensees what acts such persons may lawfully perform. To provide guidance to licensees regarding this matter, the Commission has prepared the following list of acts that an unlicensed assistant may lawfully perform so long as the assistant is salaried or hourly paid and is not paid on a per-transaction basis.

An unlicensed, salaried assistant MAY:

1. Receive and forward phone calls and electronic messages to licensees.
2. Submit listings and changes to a multiple listing service, but only if the listing data or changes are compiled and provided by a licensee.
3. Secure copies of public records from public repositories (i.e., register of deeds office, county tax office, etc.).
4. Place "for sale" or "for rent" signs and lock boxes on property at the direction of a licensee.
5. Order and supervise routine and minor repairs to listed property at the direction of a licensee.
6. Act as a courier to deliver or pick up documents.
7. Provide to prospects basic factual information on listed property that might commonly appear in advertisements in a newspaper, real estate publication or internet website.
8. Schedule appointments for showing property listed for sale or rent.
9. Communicate with licensees, property owners, prospects, inspectors, etc. to coordinate or confirm appointments.
10. Show rental properties managed by the assistant's employing broker to prospective tenants and complete and execute preprinted form leases for the rental of such properties.
11. Type offers, contracts and leases from drafts of preprinted forms completed by a licensee.
12. Record and deposit earnest money deposits, tenant security deposits and other trust monies, and otherwise maintain records of trust account receipts and disbursements, under the close supervision of the office broker-in-charge, who is legally responsible for handling trust funds and maintaining trust accounts.
13. Assist a licensee in assembling documents for closing.
14. Compute commission checks for licensees affiliated with a broker or firm and act as bookkeeper for the firm's bank operating accounts.

It will be assumed that any individual who holds an active license is performing acts requiring licensure and is therefore not eligible for an unlicensed assistant access.

Approved applications will take effect on the first day of the month after approval by the Triad MLS Board of Directors and will remain in effect until the applicant is no longer employed, obtains an active real estate or appraisal license, or begins performing acts requiring licensure.

If Triad MLS staff or the Triad MLS Board of Directors denies an unlicensed assistant application, his or her Association within fifteen (15) business days will notify the broker-in-charge in writing. If Triad MLS staff denies the unlicensed assistant application the first time, the broker-in-charge may resubmit the request, answering any questions raised. The decision of the Triad MLS Board of Directors is final.

The Triad MLS Board of Directors will hold the broker-in-charge and the supervising agent, if applicable, fully responsible for the acts of the applicant, including any fines or penalties. This includes but is not limited to the password policy. The penalties for password security violations are as follows: First Offense - \$1,000 fine; Second Offense - \$3,000 fine; Third Offense - Six month suspension from MLS.

Broker, supervising agent, and applicant all must sign AND print names. Please date this form AND complete reverse side.

Broker-in-charge: \_\_\_\_\_ (sign) \_\_\_\_\_ (print)

Supervising agent: (if applicable) \_\_\_\_\_ (sign) \_\_\_\_\_ (print)

Applicant: \_\_\_\_\_ (sign) \_\_\_\_\_ (print)

Today's date: \_\_\_\_\_ (Rev 7/20)

**Fill out completely and legibly. Requests will be denied if they cannot be read or are incomplete.**

Applicant Name \_\_\_\_\_ TMLS Board Approved \_\_\_\_\_ Waiver Removed \_\_\_\_\_

Assoc Approval \_\_\_\_\_ TMLS Review \_\_\_\_\_ MLS Setup \_\_\_\_\_ Applicant Notified \_\_\_\_\_ Assoc Notified \_\_\_\_\_

# Triad MLS Unlicensed Assistant Request Application

Please note that this is a two-page form. Both pages must be signed and submitted to the Board of Directors for consideration. This form must be completed by the broker-in-charge and signed by the broker-in-charge, supervising agent (if applicable), and the applicant. Fill out completely and legibly. Requests will be denied if they cannot be read or are incomplete.

I am \_\_\_\_\_ with \_\_\_\_\_ / \_\_\_\_\_  
(Broker-in-charge's name) (Company Name) (Company ID)  
and a member of the:  Greensboro Association  High Point Association  Winston-Salem Association

I hereby request MLS access for \_\_\_\_\_. I supervise this person.  
(Print name of the applicant)

**I CERTIFY** that this person (you must check both boxes):

Does not have an active real estate OR appraisal license --AND--

Will not be performing any acts requiring licensure as outlined in Articles 1&2 as approved by the NC Real Estate Commission.

**I AGREE** to notify my Association in writing immediately if the applicant EITHER obtains an active real estate or appraisal license OR begins performing acts requiring a license.

**I UNDERSTAND** that if I fail to notify my Association I will be subject to penalties imposed by Triad MLS. Violators will be billed for MLS access from the date (plus 10 days) they obtain an active real estate or appraisal license.

The applicant will be using the MLS in the following capacity (check one only):

- Clerical/administrative  Relocation director
- Property manager  Other, Specify: \_\_\_\_\_

**Requested Permissions:**

- Access only
- Head Broker (includes edit for all agents in the firm and HB reports)
- Head Broker Assistant (includes edit for all agents in the firm)
- Office Broker (includes edit for all agents in the office and OB reports)
- Office Broker Assistant (includes edit for all agents in the office)

**The Triad MLS Board of Directors will hold the broker-in-charge and the supervising agent, if applicable, fully responsible for the acts of the applicant.**

Broker-in-charge, supervising agent, and applicant all must sign AND print names. Please date this form AND complete the other page.

Broker-in-charge: \_\_\_\_\_ (sign) \_\_\_\_\_ (print)

Supervising agent: \_\_\_\_\_ (sign) \_\_\_\_\_ (print)  
(if applicable)

Applicant: \_\_\_\_\_ (sign) \_\_\_\_\_ (print)

Today's date: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Applicant's SECURE e-mail: \_\_\_\_\_