

Legal Questions & Answers

January 2017

Question: May a referral fee be paid to an unlicensed individual in the State of Oregon?

Answer: A referral fee may not be paid to an unlicensed individual except in the context of a property manager paying a referral fee to a tenant of the same building in which the referred tenant will reside.

Question: If a real estate agent leaves a brokerage and opens a new brokerage, do his or her current listings remain with the previous brokerage or do they transfer to the new brokerage? Also, as principal broker am I obligated to transfer the listings to the new brokerage?

Answer: Listings are technically owned by the principal broker, not the individual broker, and can only be transferred with the consent of the principal broker and seller. Here, your obligation to allow transfer of the listing will depend on the terms of the broker's independent contractor agreement.

Question: If a real estate agent does not cash a commission check from over a year ago and they have since then allowed their license to lapse, may their previous principal broker reissue the commission check?

Answer: So long as the broker was licensed at the time the commission was earned, you may reissue a check to him or her for the amount owed.