

Unlicensed Personal Assistants

The Do's and Don'ts

An “unlicensed personal assistant” who works exclusively for a licensee will ordinarily be an employee rather than an independent contractor under Mississippi and Federal tax, unemployment and workers’ compensation law. The licensee must follow all applicable laws. The licensee may pay an employee based on a predetermined rate that is agreeable to both parties as long as the assistant’s compensation is NOT in any way related to listings or buyers solicited or obtained by the assistant.

The Mississippi Real Estate Commission has created a list of activities that cannot be conducted by an unlicensed personal assistant. The list is NOT inclusive and is intended to serve as a guideline.

UNLICENSED Assistants may **NOT**:

1. Independently show properties that are for rent/sale.
2. Host an open house, kiosk, home show booth, fair, or hand out materials at such functions UNLESS a licensee is present at all times.
3. Preview, inspect, or determine (measure) the square footage of any property unless accompanied by a licensee.
4. Prepare promotional materials or advertising without the review and approval of a licensee and the principal broker.
5. Negotiate, discuss or explain a contract, listing, lease, or any other real estate document with anyone outside the brokerage firm.
6. Answer questions concerning properties listed with the firm, including giving out the list price, EXCEPT to confirm that a property is listed, to identify the listing broker or sales agent, and to provide such information as would normally appear in a simple, classified newspaper advertisement (location and/or address).
7. Negotiate the amount of rent, security deposit, or other lease provisions in connection with rental property.
8. Open properties for viewing by prospective purchasers, appraisers, home inspectors, or other professionals.
9. Attend pre-closing walk-through or real estate closings unless accompanied by a licensee.
10. Place calls that would require a license such as cold calling, soliciting listings, contacting sellers, buyers or tenants in person or by phone, contacting expired listings, placing marketing calls, or extending open house invitations.
11. Represent themselves as being a licensee or as being engaged in the business of buying, selling, exchanging, renting managing, auctioning, or dealing with options on any real estate or the improvement thereon for others.

Typically, unlicensed assistants **MAY**:

1. Provide “general” information about listed properties such as location, availability, and address (without any solicitation on behalf of the assistant.)
2. Perform clerical duties, which may include answering the phone and forwarding calls.
3. Complete and submit listings and changes to the MLS, type contract forms for approval by the licensee and the principal broker, pick-up and deliver paperwork to other brokers and salespersons, obtain status reports on a loan’s progress, assemble closing documents, and obtain required public information from governmental entities.
4. Write advertising and promotional materials for approval by the licensee and the principal broker, and arrange to place the advertising.
5. Have keys made for listings and place signs on a listed property.
6. Gather information required for a Broker Price Option or a Comparative Marketing Analysis.
7. Schedule appointments for the licensee to show a listed property
8. May be compensated for their work at a predetermined rate that is not contingent upon the occurrence of a real estate commission. Licensees may NOT share commissions with unlicensed persons who have assisted in transactions by performing any service with respect to a real estate closing.