



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

March 17, 1961

Mr. L. D. Ransom
Administrator
Texas Real Estate
Commission
Austin, Texas

Opinion No. WW-1016

Re: Whether a Real Estate Board
is subject to licensing when
engaged in serving or offer-
ing to serve in appraising
real estate for others for
compensation.

Dear Mr. Ransom:

You have requested an opinion from this office to determine whether real estate boards are subject to real estate broker's license when engaged in serving or offering to serve in appraising real estate for others for compensation.

It is our understanding from the information supplied by your office that a real estate board consists of individual real estate brokers who have joined together in an attempt, generally, to promote and advertise the advantages to owners or prospective buyers of real estate of dealing with real estate brokers. Certainly as long as an association confines itself to these activities, it would not be subject to licensing under the provisions of Article 6573a, Vernon's Civil Statutes.

Section 3 of Article 6573a, Vernon's Civil Statutes, provides as follows:

"From and after the effective date of this Act it shall be unlawful for any person, partnership, association or corporation to engage in or carry on directly or indirectly, or to advertise or hold himself, itself, or themselves out as engaging in, or carrying on, the business, or to perform any act of a Real Estate Broker or a Real Estate Salesman, as herein defined, within this State, without first obtaining a license as a Real Estate Broker or Real Estate Salesman as provided for in this Act."

In determining whether or not a person or partnership or association or corporation is subject to licensing, an examination must be made of the definitions included within the Act in Section 4 of Article 6573a, Vernon's Civil Statutes. Subsection (1) of Section 4 provides:

"The term 'Real Estate Broker' shall mean and include any person who, for another or others and for compensation or with the intention or in the expectation or upon the promise of receiving or collecting compensation:

". . .

"(e) Appraises or offers or attempts or agrees to appraise real estate; . . ."

It is our opinion that a real estate board is subject to licensing under the provisions of Article 6573a, Vernon's Civil Statutes, when it engages in or offers to engage in appraising real estate for others for compensation. Naturally, a determination of whether a real estate board, be it a group of individuals or a corporation, is offering to appraise or is appraising real estate for compensation is a fact question.

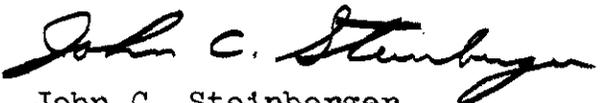
The fact that the individual members of the real estate board are brokers and are the ones actually making the appraisal does not mean that the board can use its facilities to advertise appraisals as a group action by the board itself. The acts of the members are the acts of the board when done in the name of the real estate board and would subject a real estate board to licensing.

S U M M A R Y

A real estate board is required to be licensed as a real estate broker under the provisions of Article 6573a, Vernon's Civil Statutes, when it offers to appraise or actually appraises real estate for others for compensation.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
John C. Steinberger
Assistant

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APPROVED:

OPINION COMMITTEE
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REVIEWED FOR THE ATTORNEY GENERAL

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