

ARTICLE 4.

PROHIBITED CONDUCT.

Section

- 130. Grounds for revocation or suspension**
- 135. Inspections or audits of records and accounts**
- 140. Employment of unlicensed personnel**
- 150. (Repealed)**
- 160. False or misleading statements**
- 170. (Repealed)**
- 175. Investigation of complaints or violations**

12 AAC 64.130. GROUNDS FOR REVOCATION OR SUSPENSION. The following acts, in addition to those specified elsewhere in this chapter, are grounds for revocation or suspension of a license:

- (1) acting or failing to act as specified in AS 08.88.071(a)(3);
- (2) representing more than one party in a real estate transaction;
- (3) failing to account for, remit, or surrender any money, documents, or other property of value coming into the possession or control of the licensee in the course of a real estate transaction or unreasonably delaying the accounting for or disbursement of money, documents, or other property held by or which is the responsibility of the broker for parties in a real estate transaction;
- (4) failing to disclose information as required in 12 AAC 64.940;
 - (A) the listing contract;
 - (B) repealed 1/9/2014;
 - (C) the settlement statement;
- (5) being found guilty of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or other similar offenses committed while licensed under this chapter; for the purpose of this paragraph, "being found guilty" means a guilty verdict by a judge or jury or pleading nolo contendere or guilty to any of these acts or having a hearing officer find that the licensee participated in these at a hearing held in accordance with AS 44.62 (Administrative Procedure Act);
- (6) advertising a property for sale, lease, or rent without first obtaining the written authority of the owner or the owner's authorized agent to sell, lease, or rent the property;
- (7) paying referral fees, sharing commissions, or otherwise compensating a person who is prohibited from receiving compensation under AS 08.88.401(b)
- (8) advertising to buy, sell, rent, lease or exchange any real estate without including in the advertisement the broker's business name registered with the department; this paragraph applies to all real estate advertised to the public including that owned by the licensee;

- (9) failing to disclose to all parties in a real estate transaction the fact that the licensee is licensed or failing to disclose the name of the broker or company under whom the licensee is licensed;
- (10) employing or using a third-party purchaser, purchasing through corporations, partnerships, or other entities or working through friends, relatives, or business associates in a way that profits the licensee with the effect, in whole or in part, of concealing the profit and the name of the interested licensee;
- (11) acting in violation of the provisions of AS 08.88;
- (12) accepting as earnest money anything other than cash unless the offered non-cash substitute is communicated to the owner before accepting the offer to purchase, and the acceptance of the non-cash substitute is identified as a non-cash substitute on the earnest money receipt;
- (13) failing to submit to the seller or the seller's agent all written bona fide offers received before the seller accepts another offer in writing and the broker has knowledge of the acceptance;
- (14) failing to disclose to a prospective buyer a known material defect regarding the condition of, or a known legal defect pertaining to, the offered real estate or interest in real estate;
- (15) engaging in or committing any act which is grounds for denying a license;
- (16) for a broker, permitting another person to use the broker's license, whether for compensation or not, to enable someone other than the broker to establish or carry on a business for which a real estate license is required;
- (17) for a broker, allowing a salesperson to operate a real estate business without retaining control as the employing broker for the business;
- (18) establishing or carrying on a real estate business without a broker's supervision
- (19) being found guilty of violating local, state, or federal fair housing laws.