

As a free service to MLS Participants, unlicensed assistants may be assigned a login with access to the MLS system as Office Staff or Personal Assistant. This login will only be available to assist QBs/ABs in their duties.

The QB/AB is responsible for the information entered by an assistant.

It is the responsibility of the QB/AB to contact the MLS office within **24 hours** of employment termination to deactivate the login.

APPLICANT INFORMATION

Date: _____ Name: _____ Nickname: _____

Office Name: _____ Phone/Ext: _____

Cell Phone: _____ Carrier (e.g. Verizon, AT&T, etc.): _____

Email: _____

Access Level: Office Staff Personal Assistant

Assistant to: _____

Navica MLS Password:

Please provide a 6-8 letter and number password that will be easy for you to remember: _____

Assistant: _____ Date: _____

Signature

Associate Broker: _____ Date: _____

Signature

All requests must be approved by the Qualifying Broker:

As the Designated Broker, I understand that I am directly responsible for the accuracy of all information entered into the MLS system by any assistant. It is also my responsibility to contact the MLS within 24 hours of employment termination to deactivate the account.

Qualifying Broker: _____ Date: _____

Signature

Please return with signed MLS Subscription Waiver. Application will not be processed unless completed entirely.

**Real Estate Commission Rules
New Mexico Administrative Code
PART 21 UNLICENSED
ASSISTANTS**

16.61.21.7. Definitions.

TT. Responsible person: the qualifying broker or associate broker for whom an unlicensed assistant works. If an unlicensed assistant works for more than one broker, each broker for whom the unlicensed assistant works is a responsible person. Each responsible person will be subject to the provisions of Section 61-29-12A(7) NMSA 1978.

CCC. Unlicensed assistant: a person who does not hold an active New Mexico broker's license and works under the supervision of a responsible person to perform duties for the brokerage as provided in 16.61.21 NMAC. [16.61.1.7 NMAC - Rp, 16.61.1.7 NMAC, 1-1-2012; A 1-1-2014]

16.61.21.8. Permitted activities.

An unlicensed assistant is **permitted** to engage in the following activities:

- A. obtaining information pursuant to written instructions from the responsible person from public records, a multiple listing service, listing exchange or from third party sources including, but not limited to, surveyors, banks, appraisers and title companies;
- B. hosting and/or distributing literature at an open house under the following conditions:
 - 1. an unlicensed assistant does not discuss, negotiate or solicit offers for the property or provide any information other than printed material prepared and approved by the responsible person; and
 - 2. the responsible person is present at the open house where the unlicensed assistant is located;
 - 3. all inquiries are referred to the responsible person or other associate brokers or qualifying brokers;
- C. disseminating and distributing information prepared and approved by the responsible person;
- D. picking up and delivering paperwork to associate brokers or qualifying brokers other than the responsible person;
- E. picking up and delivering paperwork to sellers or purchasers after a contract has been executed if the paperwork has already been reviewed and approved by the responsible person, without answering any questions or providing any opinions or advice to the recipient of the paperwork. All substantive questions must be referred to the responsible person;
- F. writing advertisements, flyers, brochures, and other promotional materials for the approval of the responsible person, and placing classified advertisements approved by the responsible person;
- G. placing or removing signs on real property as directed by the responsible person;
- H. ordering repairs as directed by the responsible person;
- I. receiving and depositing funds, maintaining books and records, while under the supervision of the responsible person;
- J. typing or word processing documents, including purchase and listing agreements, prepared by the responsible person. [Rn, 16.61.21.8.9, 1-1-2000, A, 1-1-2000; 16.61.21.8 NMAC - Rn, 16 NMAC 61.21.8, 1-1-2002; A, 1-1-2006]

16.61.21.9. Prohibited activities.

An unlicensed assistant is **not permitted** to engage in the following activities in connection with the purchase, sale or exchange of real property:

- A. preparing legal documents such as listing and sales contracts;
- B. interpreting documents, offering opinions or advice;
- C. disseminating and distributing information, unless the information is in writing and is prepared and approved by the responsible person;
- D. obtaining personal or property information from a client or customer of the responsible person except when acting as a coordinator directed by the responsible person by gathering and following up on information and the status of matters pertaining to the transaction after a contract has been executed;
- E. picking up from or delivering to customers or clients financial documents prepared by title companies, lenders or other third persons for the purpose of obtaining signatures;
- F. attending a closing without the responsible person present;
- G. representing himself or herself as being an associate broker or a qualifying broker or as being engaged in the business of buying, selling, exchanging, renting, leasing, managing, auctioning or dealing with options on any real estate or the improvements thereon for others;

- H. telephone solicitation of any kind designed to procure transactions requiring licensure under Section 61-29-1 et. Seq. NMSA 1978, including, but not limited to, procuring buyers, sellers, listings or appointments for listing presentations. [8-15-97; 16.61.21.9 NMAC - Rn & A, 16 NMAC 61.21.9, 1-1-2002; A, 1-1-2006]

16.61.21.10. Disability.

Notwithstanding the foregoing, if an associate broker or qualifying broker is a person with a disability as defined in the Americans with Disabilities Act or regulations promulgated hereunder, an unlicensed assistant may provide such additional services normally requiring a license to or on behalf of the associate broker or qualifying broker as would constitute a reasonable accommodation so long as the unlicensed assistant is under the direct control of the associate broker or qualifying broker, the associate broker or qualifying broker is as close as is practical to the activity, and the unlicensed assistant is not represented as being or having the authority to act as an associate broker or qualifying broker. The associate broker or qualifying broker shall notify the commission of the identity of all unlicensed assistants who perform services normally requiring a license for the associate broker or qualifying broker pursuant to this rule prior to performance of these services.

[8-15-97,A, 1-1-2000; 16.61.21.10 NMAC - Rn, 16 NMAC 61.21.10, 1-1-2002; A, 1-1-2006]

16.61.21.11. Penalties.

Unlicensed assistants are subject to the penalties of Section 61-29-17 and 61-29-17.2 NMSA 1978.

[8-15-97, A, 1-1-2000; 16.61.21.11 NMAC - Rn & A, 16 NMAC 61.21.11, 1-1-2002]

**New Mexico Real Estate
License Law and Real Estate Commission
Rules**

61-29-17. Penalty; injunctive relief.

- A. Any person who engages in the business or acts in the capacity of an associate broker or a qualifying broker within New Mexico without a license issued by the commission is guilty of a fourth-degree felony. Any person who violates any other provision of Chapter 61, Article 29 NMSA 1978 is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than six months, or both.
- B. In the event any person has engaged or proposes to engage in any act or practice violative of a provision of Chapter 61, Article 29 NMSA 1978, the attorney general or the district attorney of the judicial district in which the person resides or the judicial district in which the violation has occurred or will occur may, upon application of the commission, maintain an action in the name of the state to prosecute the violation or to enjoin the proposed act or practice.
- C. In any action brought under Subsection B of this section, if the court finds that a person is engaged or has willfully engaged in any act or practice violative of a provision of Sections 61-29-1 through 61-29-18 NMSA 1978, the attorney general or the district attorney of the judicial district in which the person resides or the judicial district in which the violation has occurred or is occurring may, upon petition to the court, recover on behalf of the state a civil penalty not exceeding five thousand dollars (\$5,000) per violation and attorney fees and costs.

61-29-17.2. Unlicensed activity; civil penalty; administrative costs.

The commission may impose a civil penalty on any person who is found, through a court or administrative proceeding, to have acted in violation of Chapter 61, Article 29 NMSA 1978 in an amount not to exceed one thousand dollars (\$1,000) for each violation or, if the commission can so determine, in the amount of the total commissions received by the person for the unlicensed activity. The commission may assess administrative costs for any investigation and administrative or other proceedings against any such person. Any money collected by the commission under the provisions of this section shall be deposited into the real estate recovery fund.