



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

February 17, 1978

ATTORNEY GENERAL OPINION NO. 78- 80

Mr. John C. Powell
Director
Kansas Real Estate Commission
12th Floor - 535 Kansas Avenue
Topeka, Kansas 66603

Re: Personal and Real Property--Real Estate Brokers and
Salesmen--Exclusions

Synopsis: A corporation, irrespective of its nonprofit, "quasi-
public" status, must secure the required license to
conduct its business as a real estate broker in this
state.

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Dear Mr. Powell:

Your recent letter requests the opinion of this office whether a "quasi-public," nonprofit corporation which offers or attempts to negotiate real estate lease agreements for a fee or commission must be licensed in Kansas pursuant to the Kansas Real Estate Brokers' License Act (K.S.A. 58-3001, *et seq.*) in order to so conduct its business.

Your attention is directed to the definition of "real estate broker" found at K.S.A. 58-3002(a)

"Terms as used in this act are defined as follows: (a) 'Real estate broker' means any person, partnership, association, corporation, advance fee agent, or auctioneer, who for another and for a fee, commission, or

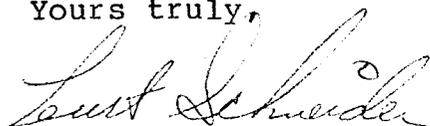
Mr. John C. Powell
Page Two
February 17, 1978

other valuable consideration, or who with the intention or in the expectation or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, sells, exchanges, purchases, or negotiates the sale, exchange, purchase of, or offers, or attempts, or agrees to negotiate the sale, exchange, purchase, or lists or offers or attempts or agrees to list, any real estate, or the improvements thereon; or who buys or offers to buy, sells or offers to sell or otherwise deals in options on real estate or the improvements thereon; or who advertises or holds himself or herself, itself, or themselves out as engaged in the business of selling, exchanging, purchasing, renting or leasing real estate, or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is calculated to result in the sale, exchange, leasing or renting of any real estate; or who is employed by or on behalf of the owner or owners of lots, or other parcels of real estate, at a stated salary, or upon a salary and commission basis or otherwise, to sell such real estate, or any part thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange of any such lot or parcel of real estate." [Empahsis added.]

It appears clearly that the anticipated operation of the corporation here concerned falls clearly within the purview of the above quoted definition of real estate broker. Some distinction appears to be suggested in your correspondence regarding the non-profit, "quasi-public" status of the corporation. K.S.A. 58-3002(a) makes no such distinction either expressly or impliedly, nor do I find such elsewhere in the Act.

Thus, pursuant to K.S.A. 58-3004, a "quasi-public," nonprofit corporation must obtain the appropriate Kansas license to conduct its business as a real estate broker or suffer the penalties prescribed by law.

Yours truly,


CURT T. SCHNEIDER
Attorney General