



DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
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ADVISORY OPINION 15-01
Replaces: N/A

April 29, 2015

Duties-Owed Forms for Referring Licensees

QUESTION:

Is a licensee who is solely a referring agent required to complete a Duties Owed Form?

SHORT ANSWER:

No.

ANALYSIS OF THE ISSUE:

A Duties Owed form is required to be provided to each party for whom a licensee is acting as an agent in a real estate transaction, and for each unrepresented party to that real estate transaction, pursuant to NRS 645.252(3).

The purpose of Duties Owed form is to set forth the numerous duties that a licensee owes to his or her own client and those owed to all parties to a specific transaction. The Duties Owed form is only to be used when the licensee represents a party to a specific transaction.

A licensee who merely refers a party to another licensee is not acting as an agent for the party in a specific transaction. Therefore, no Duties Owed form should be provided by the referring licensee. It would be improper for a "referring" licensee to provide a Duties Owed form because none of the listed duties are actually owed to that individual, nor is it required by statute, regulation or Division policy. It would also be improper for the listing agent to demand a Duties Owed form from the referring licensee for the same reasons.

ADVISORY CONCLUSION:

The Duties Owed form is a state form and an individual may not require a licensee to execute this form where the licensee is simply referring an individual. Otherwise, it would give the false impression that the referring agent represents the individual in the transaction.



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