

## Opinion No. 52-5553

June 20, 1952

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. R. R. Spurrier, Secretary Oil Conservation Commission Santa Fe, New Mexico

{\*265} This is in reply to your inquiry of June 17th in which you request a further opinion of this office concerning the applicability of our real estate dealers licensing law to certain men in the field of brokerage of oil and gas minerals and royalties.

In the opinion of this office dated January 24, 1952, No. 5477, directed to you, we advised that the land men who bought and sold leases and other interests solely for their employing companies were exempt from the application of the real estate dealers licensing law. In that opinion we advised you that an independent broker or land man operating for himself and who engaged in the buying and selling of such interests on behalf of others would be a real estate broker within the meaning of, and subject to, provisions of the real estate brokers licensing law.

You now ask whether the real estate licensing law would apply to an independent broker who bought and sold oil and gas minerals and royalties for himself.

Section 51-3212, which defines the meaning of "real estate broker" for the purposes of this act states:

"A real estate broker within the meaning of this act is any person, firm . . . who for a salary, fee, commission or valuable consideration lists, sells or offers for sale, buys or offers to buy . . . any real estate . . . **for others.** . . ."

You will note that I have underlined the words "for others." The language of the definition in itself {\*266} exempts an independent broker buying and selling for himself for such a broker is not selling "for others."

I trust that this will answer your inquiry.