

Opinion No. 58-103

May 21, 1958

BY: OPINION OF FRED M. STANDLEY, Attorney General Fred M. Calkins, Jr.,
Assistant Attorney General

TO: Mr. George A. Kenyon, Executive Secretary, New Mexico Real Estate Board,
Room 511 Simms Building, Albuquerque, New Mexico

QUESTION

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May a \$ 5.00 charge be made each time a real estate salesman transfers from one broker to another, or when a broker changes his business location?

CONCLUSION

No.

OPINION

ANALYSIS

We are informed that the New Mexico Real Estate Board would like to collect a license fee from real estate salesman each time the said salesman transfers from one broker to another or when the real estate broker by whom they are employed changes his business location. In order to so hold it would be necessary for this office to find provisions of our Real Estate licensing law which demands the revocation of a real estate salesman's license in the instances presented. As indicated in our conclusion. we find no such provisions.

Section 67-24-7, N.M.S.A., 1953 Compilation, relating to license fees and disposition thereof. states, "that the **annual** fees of a salesman's license shall not exceed \$ 5.00." Section 67-24-10, N.M.S.A., 1953 Compilation, relating to the issuance, renewal and surrender of licenses states that each license shall expire on the thirty-first day of December of each year. Although this section provides for the suspension of a real estate salesman's license when his broker's license is revoked or pending the change of employer, this section also provides that "such new license shall be issued without charge if granted during the same year in which the original license was granted."

The above section of our Real Estate Act is clear and unambiguous. An annual license is issued, the fee for the same not to exceed \$ 5.00. The suspension of the Real Estate salesman's license is in effect only when he is not working for a qualified broker. When

he is re-employed by another broker, his license to sell real estate must be issued without charge if granted during the same year in which the original license was issued.