



conducting property management pursuant to 20 CSR 2250-8.200, the unlicensed office personnel may, in their performance of the duties enumerated in section 339.010.5(5)(a)–(e), RSMo, provide a tenant with a written copy of the current Broker Disclosure Form prescribed by the commission on behalf of the landlord’s agent or transaction broker.

(2) The brokerage relationship marked as offered on the Broker Disclosure Form shall correspond to the written office policy adopted by the designated broker pursuant to 339.760.1, RSMo.

AUTHORITY: sections 339.120 and 339.770, RSMo Supp. 2008.* This rule originally filed as 4 CSR 250-8.097. Original rule filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed Jan. 14, 2000, effective July 30, 2000. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Moved to 20 CSR 2250-8.097, effective Aug. 28, 2006. Amended: Filed April 3, 2009, effective Sept. 30, 2009.

*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993, 1995, 1999, 2004, 2008 and 339.770, RSMo 1996, amended 1997, 1998, 2002.

20 CSR 2250-8.100 Offers

PURPOSE: This rule affirms that all offers to sell shall contain all the terms and conditions authorized by the owner. It demands that all written offers to buy must be submitted promptly to the seller.

(1) Every licensee shall make certain that all of the terms and conditions authorized by the principal in a transaction are specified and included in an offer to sell or buy and shall not offer the property on any other terms. Every written offer shall contain the legal description or property address, or both, and city where the property is located, or in the absence of, a clear description unmistakably identifying the property.

(2) Every licensee shall promptly tender to the seller or seller’s agent every written offer to purchase and shall promptly tender to the buyer or buyer’s agent any counteroffer made by the seller, including any back-up contracts properly identified as such, and upon procuring a proper acceptance of an offer to purchase shall promptly deliver copies of the same, signed by both buyer and seller, to each party to the transaction. A buyer or seller must be promptly advised when an offer or counteroffer has been rejected.

(3) Any change to a contract shall be initialed by all buyers and sellers. Acceptance of each fully executed contract shall include the date at which final agreement was reached either by 1) specific acknowledgement of final acceptance date; or 2) date of the last signature or initial to the contract.

AUTHORITY: section 339.120, RSMo Supp. 1993.* This rule originally filed as 4 CSR 250-8.100. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Sept. 7, 1984, effective Dec. 13, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Oct. 26, 1987, effective July 1, 1988. Amended: Filed June 15, 1990, effective Dec. 31, 1990. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Moved to 20 CSR 2250-8.100, effective Aug. 28, 2006.

*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993.

20 CSR 2250-8.110 Licensee’s Interest in Transactions; Relationship with Parties

PURPOSE: This rule makes very clear the licensee’s responsibility and relationship as an agent. It demands the licensee make declaration of any personal involvement in a transaction in which the licensee might have an interest. It prohibits his/her requiring the parties in a transaction to use the service of any lending, title insurance or other groups. It forbids any forms of related or direct profit on expenditures made for a party in a transaction. The licensee must disclose all material facts regarding the condition of property which s/he is offering for sale or lease.

(1) A licensee shall not acquire an interest in, sell, buy, exchange, rent or lease any real estate, directly or indirectly, without first making the licensee’s status as a licensee known in writing to the other parties in the transaction.

(2) Before buying, exchanging, selling or leasing real estate for another party, the licensee shall disclose in writing any ownership which a licensee has or will have and the licensee’s status as a licensee to all parties to the transaction.

(3) A licensee shall not advise against or discourage the use of the services of an attorney by any party in any real estate transaction.

(4) Directed or Controlled Business.

(A) Definitions.

1. The term settlement service includes

any service provided in connection with a real estate sale, lease, trade, exchange or settlement including, but not limited to, the following: mortgage or other financing, title searches, title examinations, the provision of title certificates, title insurance, hazard insurance, services rendered by an attorney, the preparation of documents, property surveys, the rendering of credit reports or appraisals, pest, fungus, mechanical or other inspections, services rendered by a real estate agent or broker, and the handling of the processing and closing or settlement.

2. The term controlled business arrangement means an arrangement in which a real estate licensee, or an associate of a real estate licensee, has either an affiliate relationship with or a direct or beneficial ownership interest of more than one percent (1%) in a provider of settlement services.

3. The term associate means one who has one (1) or more of the following relationships with a real estate licensee:

A. A spouse, parent or child of a real estate licensee;

B. A corporation or business entity that controls, is controlled by or is under common control with a real estate licensee;

C. An employer, officer, director, partner, franchisor or franchisee of a real estate licensee; or

D. Anyone who has an agreement, arrangement or understanding with a real estate licensee, the purpose or substantial effect of which is to enable the real estate licensee to refer settlement business to benefit financially from the referrals of that business.

(B) A licensee who has a controlled business arrangement with a provider of settlement services and who, directly or indirectly, refers business to that provider or affirmatively influences the selection of that provider shall disclose the arrangement to the person whose business is referred or influenced. This disclosure shall be given on a separate form and shall be signed by the person whose business is referred or influenced. The disclosure shall be given and signed before or at substantially the same time that the business is referred or the provider is selected. The licensee shall retain a copy of the signed form. The form shall be in at least ten (10)-point type and shall contain the following language:

DISCLOSURE OF REFERRAL
OF BUSINESS

I understand that (Name of Real Estate Licensee) has an affiliate relationship with or owns an interest in (Name of Company to Which Business is Being Referred) and is also