

No. 2025.02 - Unlicensed Assistants

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STATEMENT OF PURPOSE AND SCOPE

In looking at the issue of unlicensed assistants, various aspects must be considered, including what activities the individual will perform and how the individual is paid.

Definitions

"Unlicensed Assistant" is an unlicensed individual hired by an Arizona licensed real estate entity, broker or salesperson as an assistant, who is not engaging in any activity for which a real estate license is required.

The employing broker is responsible to have written policies and procedures in place to ensure that unlicensed assistants are not performing any acts that require a license or being advertised in a manner that indicates that the person is licensed.(A.R.S. § 32-2165).

An unlicensed assistant may:

- Under the direct supervision and employment of an Arizona licensee, perform the following tasks, which include, but are not limited to:
 - Personal errands for the licensee. Some examples are activities like refilling flyer boxes, checking that signs are not blown down from a storm or picking up/purchasing supplies for the office.
 - Clerical/administrative tasks including filing, copying, mailing, scanning, answering phones, forwarding calls or transcribing callers' information for licensee
 - Collects in-person rent and related fees on behalf of the real estate broker or real estate salesperson for the use of real estate as part of the person's clerical duties and who provides a receipt when rent is paid (32-2101(51))

An unlicensed assistant *shall not* perform the following activities:

- Originate documents
- Provide advice, pricing, or opinions of value to a consumer
- Provide advice or negotiate with anyone regarding a property or transaction
- Assist or direct in the procuring of prospects calculated to result in the sale, exchange, leasing or renting of real estate pursuant to A.R.S. 32-2101(50)(i) unless exempt under A.R.S. 32-2121(A)(10).

An unlicensed assistant *may* transfer monies or be a signatory on a property management trust account only when the unlicensed assistant:

- Is in the direct employ of the broker, and
- Is a bona fide officer, member, principal or employee of the property management firm pursuant to A.R.S. § 32-2174(C) and employing broker pursuant to A.R.S. § 32-2101(26).

An unlicensed assistant is otherwise *not* permitted to withdraw monies from the broker's trust account.

Authority: A.R.S. § 32-2101(51) defines the activities of a real estate broker for which licensure is required pursuant to A.R.S. §§ 32-2122, 32-2121, 32-2151.01(B), 32-2174(C). See also A.A.C. R4-28-1103.

Policy Program: Enforcement

Effective Date: Revised April 3, 2000; Revised & Renumbered 5/28/2004; Renumbered 4/01/2005; Revised & Renumbered 6/9/2017; Revised 9/29/2021; Revised on September 28, 2022 to reflect Amendments made in Ariz. Laws Ch. 298 § 1 (2022). Revised on February 14, 2025.