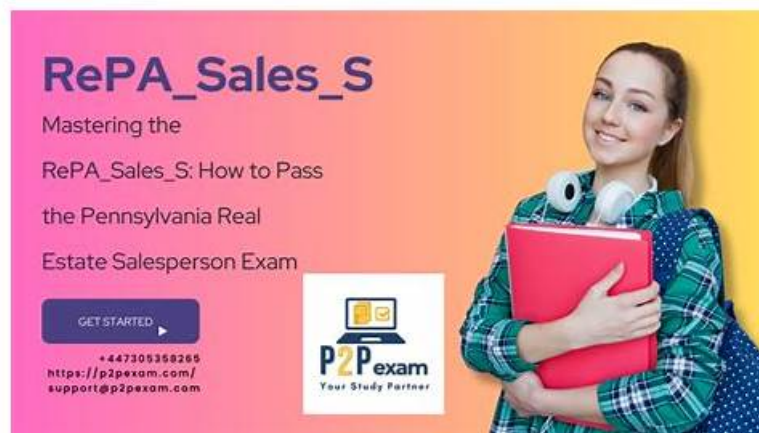


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Pennsylvania Real Estate Commission PA Salesperson State Exam Sample Questions (Q33-Q38):

NEW QUESTION # 33

A real estate licensee may be disciplined by the Pennsylvania Real Estate Commission for which of the following reasons?

- A. Habitual intoxication or drug addiction
- B. Any felony conviction
- C. Inability to obtain automobile liability insurance
- D. Nonpayment of Federal income taxes

Answer: A

Explanation:

Under 49 Pa. Code § 35.291 (Reporting of Crimes and Disciplinary Actions), a real estate licensee may face disciplinary action for engaging in unethical conduct, fraud, or incompetence. One of the reasons listed is habitual intoxication or drug addiction, as this impairs the licensee's ability to properly conduct real estate activities.

- * A felony conviction (Option D - Incorrect) does not automatically result in discipline but is reviewed by the Commission.
- * Failure to pay taxes (Option C - Incorrect) is a federal issue, not a licensing violation.
- * Car insurance (Option A - Incorrect) is unrelated to a real estate license.

Reference:

49 Pa. Code § 35.291- Reporting of Crimes and Disciplinary Actions

NEW QUESTION # 34

If clients have questions regarding the sale of their home beyond the licensee's expertise, what **MUST** the salesperson do?

- A. Advise the clients to seek another salesperson to represent them in the transaction.
- B. Ask their associate broker and advise the clients of the answer.
- C. Seek legal representation for the clients.
- **D. Advise the clients to seek expert advice.**

Answer: D

Explanation:

Under 49 Pa. Code § 35.292 (Duties of Licensees Generally), a real estate licensee must not provide professional advice in areas beyond their expertise. If clients need legal, tax, or structural advice, they should be referred to an appropriate expert.

* A real estate licensee should not attempt to answer questions related to law, taxes, or home inspections beyond their knowledge.

* Directing clients to consult an expert ensures that they receive accurate and legally sound advice.

Why the other answers are incorrect:

* Option A (Seek Legal Representation for Clients): A salesperson cannot act as a lawyer or obtain legal representation for clients.

* Option C (Ask Associate Broker and Advise Clients): If the matter is outside of real estate expertise, it must be referred to an expert, not just another broker.

* Option D (Advise Clients to Seek Another Salesperson): This does not solve the issue; clients need advice from the correct professional, not another salesperson.

Reference:

49 Pa. Code § 35.292- Duties of Licensees Generally

NEW QUESTION # 35

The Pennsylvania Real Estate Commission has received a written complaint that a licensee is engaging in an activity prohibited by the Real Estate Licensing and Registration Act. What action is the Commission empowered to take?

- A. Transfer the matter to civil authorities in the county in which the alleged activity occurred.
- **B. Ascertain the facts and, if warranted, hold a hearing.**
- C. Suspend the licensee's license for a period not to exceed 6 months.
- D. Serve the licensee with a cease and desist order.

Answer: B

Explanation:

The Pennsylvania Real Estate Commission (PREC) has the power to investigate complaints, hold hearings, and impose disciplinary actions under 63 P.S. § 455.404 (Powers of the Commission).

* The Commission will first investigate the complaint to determine if the allegations are valid.

* If warranted, the Commission will hold a formal hearing to decide on appropriate disciplinary action.

* Possible penalties include fines, suspension, or revocation of the license.

Why the other answers are incorrect:

* Option A (Automatic 6-Month Suspension): The Commission does not impose automatic suspensions; each case is reviewed individually.

* Option C (Cease and Desist Order): This is typically used for unlicensed real estate activities, not licensed misconduct.

* Option D (Transfer to Civil Authorities): While some cases (e.g., fraud) may be referred to law enforcement, the Commission itself first investigates.

NEW QUESTION # 36

A salesperson is representing a buyer who wants to make an offer on a property that is listed by another licensee in her office. Without the listing licensee's knowledge, she becomes aware that the sellers are getting divorced. In what capacity would the

salesperson NOT be able to share the information?

- **A. Dual agent**
- B. Designated buyer agent
- C. Transaction licensee
- D. Sub-agent of the buyer

Answer: A

Explanation:

Under 49 Pa. Code § 35.314 (Duties of Dual Agents), a dual agent represents both the buyer and seller in the same transaction and must maintain neutrality by not disclosing confidential information unless required by law.

* If the salesperson has knowledge that the sellers are getting divorced, this is considered confidential information that could harm their negotiating position.

* Dual agents cannot disclose confidential facts that would disadvantage either party unless both parties agree in writing.

* Disclosure of confidential details in a dual agency scenario would be a violation of Pennsylvania real estate law.

Why the other answers are incorrect:

* Option B (Sub-Agent of Buyer): A sub-agent of the buyer has a fiduciary duty to the buyer and may disclose information that benefits them.

* Option C (Transaction Licensee): A transaction licensee does not represent either party and may disclose non-confidential information.

* Option D (Designated Buyer Agent): A designated agent works solely for the buyer and is free to disclose information that benefits them.

Reference:

49 Pa. Code § 35.314- Duties of Dual Agents

NEW QUESTION # 37

A real estate ad in a newspaper placed by a salesperson MUST include the:

- A. Legal description of the property.
- B. Municipality in which the property is located.
- **C. Employing broker's name and phone number.**
- D. Name of the principal.

Answer: C

Explanation:

Under 49 Pa. Code § 35.305 (Business Name on Advertisements), any advertisement placed by a real estate salesperson must include the name and phone number of their employing broker.

* This ensures that the public knows which brokerage is responsible for the property listing and avoids misleading or unverified advertisements.

* A salesperson cannot advertise properties without clearly identifying their broker to ensure compliance with advertising regulations.

Why the other answers are incorrect:

* Option A (Municipality): While useful, this is not required in every ad.

* Option B (Legal Description): A legal property description is not required for advertisements.

* Option D (Name of the Principal): The seller's name does not need to be included in advertisements.

NEW QUESTION # 38

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