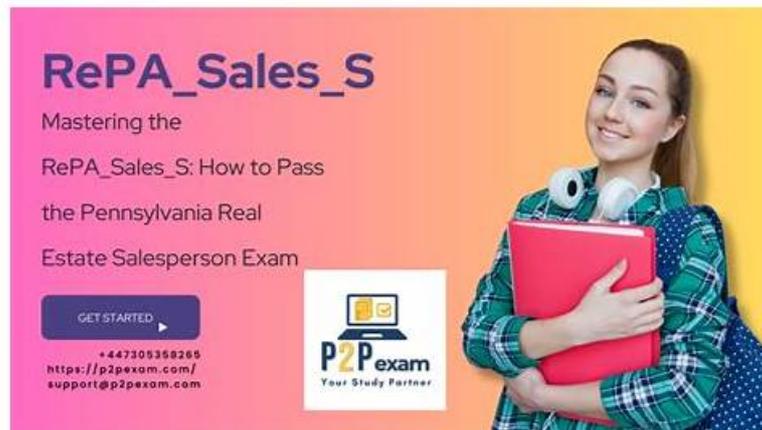


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## Pennsylvania Real Estate Commission PA Salesperson State Exam Sample Questions (Q23-Q28):

### NEW QUESTION # 23

Which of the following activities performed by the manager of a multifamily dwelling REQUIRES a real estate license?

- A. Providing information on rental amounts to prospective renters
- **B. Entering into leases**
- C. Distributing building rules and regulations
- D. Showing apartments to prospective renters

**Answer: B**

Explanation:

A real estate license is required to enter into leases on behalf of a landlord because this involves negotiating real estate transactions.

\* According to 49 Pa. Code § 35.201 (Definitions), property management activities that include leasing, collecting rent, and negotiating lease terms require a real estate license.

\* A property manager who is actively negotiating leases must hold a real estate license unless they are directly employed by the property owner.

Why the other answers are incorrect:

\* Option B (Distributing Rules): This does not require a license since it is administrative.

\* Option C (Showing Apartments): Showing apartments does not require a license as long as no negotiations occur.

\* Option D (Providing Rental Info): Providing information is not negotiating a lease, so a license is not needed.

Reference:

49 Pa. Code § 35.201- Definitions

### NEW QUESTION # 24

The Real Estate Commission is empowered to take action against a licensee who is found to have engaged in any of the following activities EXCEPT:

- A. Failing to furnish a copy of a listing contract to an owner after taking a listing
- B. Failing to provide information requested by the Pennsylvania Real Estate Commission in response to a complaint about the licensee engaging in prohibited acts.
- **C. Failing to include the salesperson's name in all advertising.**
- D. Making any substantial misrepresentation.

**Answer: C**

Explanation:

Under 49 Pa. Code § 35.305 (Business Name on Advertisements), advertisements must include the broker's name but are not required to include the salesperson's name.

\* While a salesperson's name may appear in an ad, it is not a required element under Pennsylvania law.

\* However, failing to disclose key information in an ad, such as the broker's name, could result in disciplinary action.

Why the other answers are incorrect:

\* Option A (Misrepresentation): Misrepresentation is a serious offense and can lead to suspension or revocation.

\* Option B (Failing to Provide Listing Contract): A copy of the listing contract must be furnished to the seller at the time of signing.

\* Option D (Failing to Provide Information to the Commission): Failure to respond to an investigation can result in fines, suspension, or revocation.

### NEW QUESTION # 25

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. Serve the licensee with a cease and desist order.
- D. Suspend the licensee's license for a period not to exceed 6 months.

**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 # 26

The provisions of the Real Estate Licensing and Registration Act apply to:

- A. A trustee who participates in real estate transactions under the authority of a court order.
- **B. A real estate licensee selling real estate they own.**
- C. An attorney-at-law who participates in real estate transactions on behalf of a client.
- D. A licensed auctioneer who is auctioning property.

**Answer: B**

Explanation:

Under 63 P.S. § 455.304 (Exemptions from Licensing Requirements), most individuals selling their own property are exempt from real estate licensing requirements. However, a real estate licensee selling their own real estate must comply with disclosure laws and ethical obligations.

\* If a real estate licensee sells their own property, they must disclose in all advertising that they are a licensed real estate professional to avoid misleading the public.

\* While a non-licensee selling their own property is not covered under real estate licensing laws, a licensed salesperson must adhere to licensing and disclosure laws.

Why the other answers are incorrect:

\* Option A (Trustee under Court Order): Court-appointed trustees are exempt from real estate licensing requirements.

\* Option B (Attorney Representing Clients): Attorneys are permitted to handle real estate transactions as part of their legal practice without a real estate license.

\* Option D (Licensed Auctioneer): Auctioneers selling real estate are regulated under separate auctioneer licensing laws, not real estate licensing laws.

Reference:

63 P.S. § 455.304- Exemptions from Licensing Requirements

### NEW QUESTION # 27

If a client requests to list their home for much more than the comparable market analysis (CMA) recommends, what is the duty of the salesperson?

- A. Require the seller to receive an appraisal before listing the property
- **B. Advise the client as to the reason it is in their best interest to list the property closer to the comparable market value**
- C. Provide the client financial advice as to how they can invest their assets to earn the amount they would like to receive
- D. Refuse the listing because accepting the listing would violate the Pennsylvania Real Estate Licensing and Registration Act

**Answer: B**

Explanation:

A real estate licensee has a fiduciary duty to provide honest, professional advice to their clients, including pricing strategies based on comparative market analysis (CMA).

\* Under 49 Pa. Code § 35.292 (Duties of Licensees Generally), a licensee must act in the best interest of the client, which includes providing realistic pricing guidance.

\* If a seller insists on listing at an inflated price, the agent should educate them on the risks, such as longer market time and reduced buyer interest.

\* While the agent cannot force a seller to list at a lower price, they must ensure that the client makes an informed decision.

Why the other answers are incorrect:

\* Option A (Require an Appraisal): CMAs are typically sufficient for pricing; an appraisal is only required in specific cases (e.g., lender requirements).

\* Option B (Refuse the Listing): Overpricing is not illegal, so there is no licensing violation in accepting the listing.

\* Option D (Providing Investment Advice): Real estate licensees are not financial advisors and should not offer investment strategies.

Reference:

49 Pa. Code § 35.292 - Duties of Licensees Generally

### NEW QUESTION # 28

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