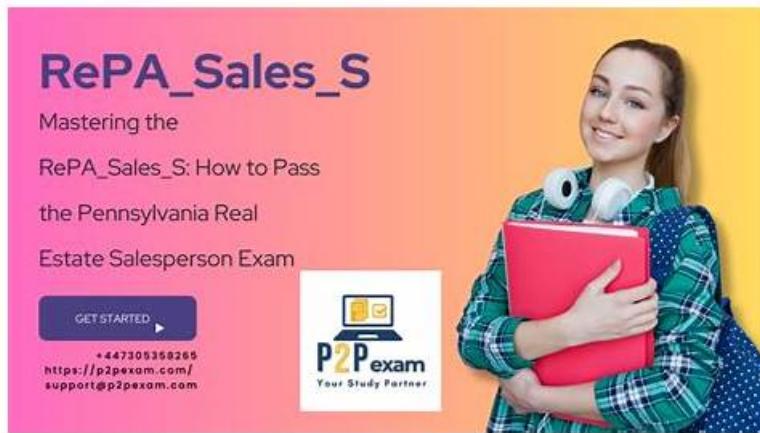


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Pennsylvania Real Estate Commission PA Salesperson State Exam Sample Questions (Q38-Q43):

NEW QUESTION # 38

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. Serve the licensee with a cease and desist order.
- B. Ascertain the facts and, if warranted, hold a hearing.
- C. Transfer the matter to civil authorities in the county in which the alleged activity occurred.
- 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 # 39

A "For Sale by Owner" property owner has offered a flat fee to any licensee who procures a buyer. The owner's terms specify that 50% of the fee is payable upon contract acceptance, with the other 50% payable upon transfer of title. A CORRECT statement about this arrangement is that it is:

- A. acceptable if the fee does not exceed the prevailing commission rate.
- B. in violation of license law since compensation for real estate sales can come only from listed properties.
- **C. acceptable if the fee is paid to the employing broker.**
- D. in violation of license law since all compensation must be paid at closing.

Answer: C

Explanation:

Under 49 Pa. Code § 35.283 (Compensation and Commission), a salesperson can only receive payment through their employing broker. This means that if the flat fee is paid to the broker (not directly to the salesperson), then the arrangement is legal.

- * Commission does not have to be paid at closing; payment terms can be negotiated, including split payments.
- * For Sale by Owner (FSBO) properties are not required to be listed with a brokerage, so compensation can still be earned if a licensee brings a buyer.

Why the other answers are incorrect:

- * Option B (Commission Rate Limitations): There are no "prevailing" commission rates since commissions are always negotiable.
- * Option C (Compensation Must Be at Closing): Commission can be structured differently (e.g., partial upfront payment).
- * Option D (Only Listed Properties Qualify for Commission): Agents can earn commission on FSBOs as long as the broker is involved.

NEW QUESTION # 40

When representing a seller, which of the following is a TRUE statement regarding the duties a licensee owes to the principal?

- **A. A licensee is required to keep confidential the price the seller would accept if lower than the list price.**
- B. A licensee's obligation of confidentiality ends at the conclusion of the listing contract.
- C. A licensee is obligated to disclose to a consumer the minimum commission split between the licensee and the broker.
- D. A licensee is not obligated to disclose the existence of another offer during negotiations on a purchase contract.

Answer: A

Explanation:

A licensee has a fiduciary duty to keep the seller's pricing strategy confidential.

- * 49 Pa. Code § 35.292 (Duties of Licensees Generally) states that a licensee must maintain confidentiality of information that could harm their client's negotiating position, including the minimum price the seller would accept.

* Confidentiality extends beyond the duration of the listing agreement unless the seller gives explicit permission to disclose information.

Why the other answers are incorrect:

- * Option A (Confidentiality Ends After Listing): Confidentiality continues even after the contract ends.
- * Option B (Not Disclosing Another Offer): In multiple-offer situations, disclosure may be required based on seller instructions.

* Option D (Commission Disclosure): The broker's commission arrangement is not required to be disclosed to the public.

NEW QUESTION # 41

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

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

Answer: B

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.

Reference:

49 Pa. Code § 35.305- Business Name on Advertisements

NEW QUESTION # 42

Which of the following conditions MUST be met before a licensee participates in the sale of real property in which the licensee has an ownership interest?

- A. The Pennsylvania Real Estate Commission must be notified of the transaction.
- B. The percentage of the licensee's ownership interest must be stated on the sales contract.
- **C. The licensee must provide written disclosure of the ownership interest to all parties.**
- D. The listing agreement must identify the licensee's name and status as a licensee.

Answer: C

Explanation:

Under 49 Pa. Code § 35.283 (Disclosure of Interest), a real estate licensee must disclose in writing if they have a direct or indirect ownership interest in a property they are selling or purchasing.

* This disclosure ensures transparency and prevents conflicts of interest.

* Failure to disclose ownership interest could be considered fraudulent and result in disciplinary action by the Pennsylvania Real Estate Commission.

Why the other answers are incorrect:

* Option A (Commission Notification Required): The Commission does not need to be notified unless a violation occurs.

* Option B (Listing Agreement Disclosure): Disclosure is not required in the listing agreement but must be made to all parties.

* Option D (Percentage of Ownership on Contract): The specific percentage of ownership is not required to be on the contract; general disclosure is sufficient.

Reference:

49 Pa. Code § 35.283- Disclosure of Interest

NEW QUESTION # 43

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