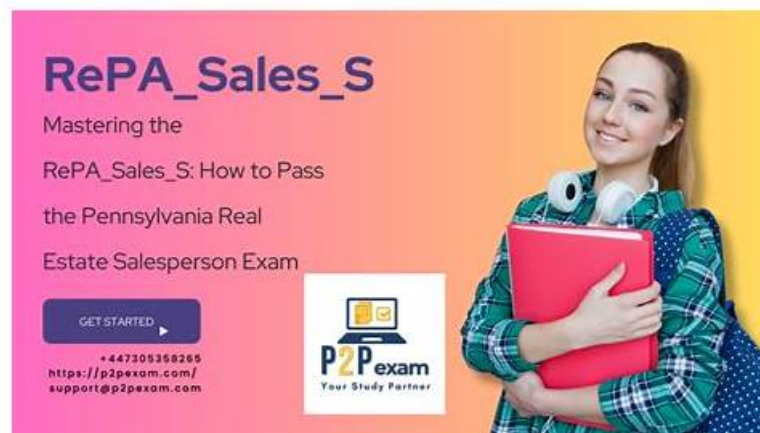


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Pennsylvania Real Estate Commission PA Salesperson State Exam Sample Questions (Q44-Q49):

NEW QUESTION # 44

An owner sells a house through a salesperson who works as an independent contractor for a broker. Before the closing, the owner fires the broker. However, the owner agrees to pay the salesperson a \$1,000 fee for services. Which of the following is TRUE?

- A. The salesperson may only accept the \$1,000 with the broker's consent.
- **B. The salesperson cannot legally accept the \$1,000.**
- C. The owner can cancel any part of the sales contract at any time.
- D. The salesperson may legally accept the \$1,000.

Answer: B

Explanation:

According to 49 Pa. Code § 35.283 (Compensation and Commission), a salesperson may not accept compensation from anyone other than their employing broker.

- * A salesperson cannot accept direct payments from an owner or buyer (Option A - Correct).
- * The owner cannot cancel the sales contract unilaterally (Option B - Incorrect).
- * The salesperson may only be compensated through the broker, even if the owner agrees to direct payment (Option C & D - Incorrect).

Reference:

49 Pa. Code § 35.283- Compensation and Commission

NEW QUESTION # 45

The Commission, after obtaining the facts of a verified complaint against a licensee, holding a hearing, and finding that licensee guilty, may:

- **A. Suspend or revoke a license and/or levy a fine of \$1,000 or less.**
- B. Make the licensee take up to 20 hours of ethics training.
- C. Levy a fine of \$2,000 - \$5,000 if this is the licensee's first offense.
- D. Imprison a licensee for no more than 90 days.

Answer: A

Explanation:

Under 63 P.S. § 455.305 (Civil Penalty Provisions), the Pennsylvania Real Estate Commission has the authority to suspend or revoke a license and impose fines of up to \$1,000 per violation.

- * The Commission can impose fines but does not have authority over criminal penalties such as imprisonment.
- * Suspension or revocation is a common penalty for severe violations, including fraud, misrepresentation, or mismanagement of client funds.

Why the other answers are incorrect:

- * Option A (\$2,000 - \$5,000 Fine): The fine limit for first offenses is typically \$1,000 per violation.
- * Option C (20 Hours of Ethics Training): Training may be recommended but is not an official penalty imposed by the Commission.
- * Option D (90-Day Imprisonment): The Commission does not have authority to impose jail sentences.

NEW QUESTION # 46

A salesperson secures a listing priced at \$110,000. A prospective buyer asks the salesperson to write a \$65,000 offer for the property. The salesperson should:

- A. Suggest that the buyer have another licensee prepare the offer.
- B. Advise the buyer to offer more for the property since the seller is unlikely to accept such a low offer.
- C. Prepare the offer as requested but not waste the seller's time presenting it.
- **D. Prepare the offer as requested and present it to the seller.**

Answer: D

Explanation:

Under 49 Pa. Code § 35.292 (Duties of Licensees Generally), a real estate licensee is required to present all written offers to the seller, regardless of the amount.

- * It is the seller's right to accept, reject, or counter an offer, not the salesperson's decision.
- * A salesperson cannot refuse to submit an offer based on personal opinions about the price.
- * Presenting all offers ensures fair dealings and upholds fiduciary duty to the seller.

Why the other answers are incorrect:

- * Option B (Not Waste the Seller's Time): It is the seller's decision to accept or reject an offer, not the salesperson's.
- * Option C (Advise Buyer to Offer More): A licensee must remain neutral and cannot pressure a buyer to increase their offer.
- * Option D (Suggest Buyer Use Another Agent): There is no reason to transfer the buyer to another agent. The agent must present the offer.

Reference:

49 Pa. Code § 35.292- Duties of Licensees Generally

NEW QUESTION # 47

Which of the following is a REQUIRED general duty of a licensee?

- A. Accept liability and responsibility for acts of the consumer.
- B. Conduct an independent inspection of the property.
- C. Provide assistance with document preparation.
- **D. Independently verify the accuracy of any representation on a property condition disclosure statement.**

Answer: D

Explanation:

Under 68 Pa. C.S. §§ 7301-7314 (Real Estate Seller Disclosure Law), a licensee has a duty to ensure that the property condition disclosure statement is complete and accurate as provided by the seller.

* While the licensee does not conduct a formal property inspection, they must not ignore material defects that are apparent or known to them.

* If a licensee knows of an issue that contradicts the seller's disclosure, they must disclose this to the buyer to prevent misrepresentation.

* This protects consumers from fraudulent or misleading property conditions.

Why the other answers are incorrect:

* Option A (Independent Inspection): A licensee is not a home inspector and is not required to perform a physical inspection.

* Option C (Accept Consumer Liability): A licensee is not responsible for actions taken by a buyer or seller.

* Option D (Document Preparation Assistance): A licensee can help explain documents but cannot prepare legal contracts without an attorney.

NEW QUESTION # 48

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. Name of the principal.
- **D. Employing broker's name and phone number.**

Answer: D

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 # 49

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