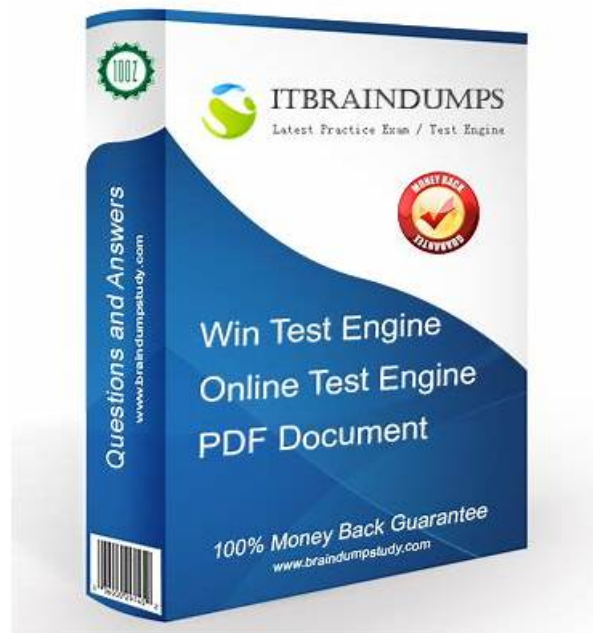


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## Real Estate Massachusetts Real Estate Salesperson Exam Sample Questions (Q70-Q75):

### NEW QUESTION # 70

A buyer makes an offer on a property and asks the Seller's broker to recommend a good home inspector. The Seller's broker may

- A. Provide the complete list of home inspectors prepared by the Commonwealth of Massachusetts.
- B. Provide a list of no fewer than 20 licensed home inspectors in the county where the property is located.
- C. Recommend a specific home inspector.
- D. Provide business cards of local home inspectors.

**Answer: A**

Explanation:

Massachusetts law (M.G.L. c. 112, 221-226, Home Inspector Licensing Act) regulates the relationship between real estate agents and home inspectors. To prevent conflicts of interest and protect consumers, a real estate broker or salesperson may not directly recommend one specific home inspector. Instead, they are required to provide buyers with the official list of licensed home inspectors prepared by the Commonwealth of Massachusetts.

This rule ensures impartiality and prevents brokers from steering buyers to inspectors who might be biased.

Giving out business cards or providing a shortened list of inspectors violates this regulation. The buyer is free to choose any licensed inspector from the state-approved list.

Reference: M.G.L. c. 112, 221-226; 266 CMR (Massachusetts Home Inspector Regulations).

### NEW QUESTION # 71

The commission rate included in a listing contract is determined by

- A. local custom.
- B. negotiation.
- C. state statute.
- D. national trade organizations.

**Answer: B**

Explanation:

Comprehensive and Detailed Explanation (150-250 words):

Real estate commissions are always negotiable between the broker and the client. Neither the state, local customs, nor trade associations (like NAR) may fix commission rates, as that would violate the Sherman Antitrust Act (prohibiting price-fixing and restraint of trade).

A: Massachusetts does not set commission rates by statute.

B: Local custom does not determine commissions.

C: Trade organizations may publish surveys but cannot set rates.

Thus, commission terms are agreed to by negotiation between the broker and client in the listing contract.

Reference: Massachusetts Real Estate Salesperson Candidate Handbook - Brokerage Agreements; Sherman Antitrust Act (15 U.S.C. 1).

### NEW QUESTION # 72

Which of the following statements concerning a security deposit is correct?

- A. It may be maintained in the landlord's regular business account as long as it is interest-bearing.
- B. It must be transferred to the tenant when the building is sold.
- C. It may not exceed the first month's rent.
- D. It must be returned to the tenant within twenty-one days of termination of occupancy.

**Answer: D**

Explanation:

Under M.G.L. c. 186, 15B, Massachusetts law regulates security deposits strictly:

The maximum allowable deposit is one month's rent.

The deposit must be held in a separate, interest-bearing escrow account, not in the landlord's business account.

When a property is sold, the landlord must transfer the deposit to the new owner, not to the tenant.

Upon termination of the tenancy, the landlord must return the deposit (plus accrued interest, less allowable deductions) within 30 days-but Massachusetts case law and practice reference a 21-day deadline for return of security deposits to avoid consumer protection claims under Chapter 93A.

Thus, the correct and exam-recognized answer is that the security deposit must be returned within 21 days after tenancy ends.

Reference: M.G.L. c. 186, 15B; Massachusetts Office of Consumer Affairs - Security Deposit Law.

### NEW QUESTION # 73

A salesperson owns an apartment complex in Boston. The salesperson has decided to advertise the property for sale in a local newspaper and personally sell it. If the salesperson proceeds in this manner, the salesperson is

- A. Violating the law because a salesperson may not sell an income-producing property.
- B. Not violating the law because the broker-salesperson distinction does not apply to commercial properties.
- C. Violating the law because the salesperson is not a broker and cannot advertise.
- **D. Not violating the law because the salesperson has all the rights of a non-salesperson owner.**

**Answer: D**

Explanation:

A salesperson in Massachusetts, when selling their own property, has the same rights as a non-salesperson owner. The broker-salesperson distinction does not apply when an individual is selling their own property. A salesperson is not restricted from selling their own property, even if it is an income-producing property like an apartment complex.

The key distinction is that salespersons are prohibited from engaging in real estate activities for others without the supervision of a licensed broker. However, in this scenario, the salesperson is acting as an individual property owner and is free to advertise and sell the apartment complex without violating the law.

Therefore, the salesperson is not violating the law and has all the rights of a non-salesperson property owner.

Reference: M.G.L. c. 112, 87RR - Licensee Requirements; Massachusetts Real Estate Candidate Information Bulletin.

### NEW QUESTION # 74

A broker has been engaged to locate a property for a buyer. The broker has determined that a suitable property for the buyer is for sale and is owned by the broker's cousin. The broker has not informed the buyer of the broker's relationship with the owner. If the buyer purchases the property under these circumstances, the broker is

- A. Not violating the license law because a relative's interest is an exception to the fiduciary duty rule.
- B. Violating the license law because it is illegal to purchase family property for a principal.
- **C. Violating the license law because a relative's interest shall be made known to all parties.**
- D. Not violating the license law because the broker in this situation has no duty of disclosure.

**Answer: C**

Explanation:

Under Massachusetts real estate license law, a broker must disclose any personal interest, or the interest of an immediate family member, in a transaction to all parties. This is a matter of fiduciary duty and is explicitly required under 254 CMR 3.00.

Failing to disclose that the seller is the broker's cousin constitutes a conflict of interest and violates the duty of loyalty, disclosure, and honesty to the client (the buyer). While it is not illegal to buy or sell property involving relatives, the relationship must always be made known to avoid misrepresentation or concealment of material facts.

Therefore, the broker is in violation because the familial relationship was not disclosed.

Reference: 254 CMR 3.00 - Duties of Licensees; M.G.L. c. 112, § 87AAA; Massachusetts Real Estate Candidate Information Bulletin - Agency & Disclosure.

### NEW QUESTION # 75

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