

1974 S.C. Op. Atty. Gen. 190 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3805, 1974 WL 21312

Office of the Attorney General

State of South Carolina

Opinion No. 3805

June 21, 1974

**\*1 Re: Real Estate Licensing Law.**

Mr. R. H. Baer, Jr.  
Commissioner  
S. C. Real Estate Commission  
Post Office Box 11979  
Columbia, South Carolina 29211

Dear Commissioner Baer:

You have requested that this Office advise you as to whether apartment managers are required by the laws of this State to be licensed by the South Carolina Real Estate Commission.

Section 56-1545, of the Code of Laws of South Carolina provides:

‘It shall be unlawful for any person to act as a real estate broker, counsellor, real estate salesman, appraiser, property manager, or real estate auctioneer, or to advertise or assume to act as such without first having obtained a license issued by the Real Estate Commissioner.’

The term ‘broker’ is defined in Section 56-1545.1:1 as:

‘any person who for a fee, commission or other valuable consideration, or with the intent or expectation of receiving a fee, commission or consideration, negotiates or attempts to negotiate the the listing, sale, auction, purchase, exchange or lease of any real estate or of the improvements thereon, or collects rents or attempts to collect rents, or who advertises or holds himself out as engaged in any of the foregoing activities. The term also includes any person employed by or on behalf of the owner of real estate to conduct the sale, auction, leasing, or other disposition thereof at a salary or for a fee, commission or any other consideration. It also includes any person who engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby he undertakes primarily to promote the sale of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both.’

While apartment managers are not specifically mentioned in this statute, it is clear that they would be included within the definition of ‘broker’ if they for a fee, commission or other valuable consideration, or with the expectation of receiving the same, negotiates the listing or lease of apartments, or who collects rents from apartments or who holds himself out as being engaged in any of these activities.

It is therefore the opinion of this Office that apartment manager must be licensed by the South Carolina Real Estate Commission if they engage in any of the above-mentioned activities, and should they not be so licensed, they are in violation of the laws of this State.

Very truly yours,

Timothy G. Quinn

Senior Assistant Attorney General

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