

1973 WL 27651 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 7, 1973

*1 The Honorable R. H. Baer, Jr.
S. C. Real Estate Commissioner
S. C. Real Estate Board
502 Columbia Building
Post Office Box 11396
Columbia, South Carolina

Dear Mr. Baer:

You have requested that this office advise you as to whether the resident manager of an apartment complex is required to be licensed as a real estate broker under the laws of this State. The law of this State, as set forth in Section 56-1545.??, is clear as including one who negotiates or attempts to negotiate the lease of any real estate or of the improvements thereon; who collects or attempts to collect rents; or who for a salary or other compensation conducts the leasing of real estate, within the definition of a real estate broker.

The basic law of statutory construction is that words contained in such statutes must be given their plain meaning, [Independence Insurance Company v. Independent Life and Accident Company](#) 218 S.C. 22, 61 SE2d 299, and the plain meaning of the words in the above-referenced actions being clear no additional meaning can be added. [Banks v. Columbia Railway and Gas and Electric Company](#) 113 S. C. 99 101 SE 285.

The general law has set forth in 12 Am. Jur. 21 Brokers, section 12, at 781, is generally to the effect that an individual's classification as a real estate broker is dependent upon the state law involved, and that persons engaged in procuring lessees of property can be considered brokers again depending upon the terms of the particular state involved. [See also 56 A.L.R. 480, et. seq.; 167 A.L.R. 775, et. seq.]

It is therefore the opinion of this office that a resident manager of an apartment complex, whose duties include the negotiation of the lease for the apartment or collecting the rent on such apartments or in fact conducts the leasing of such apartments, does come within the definition of a real estate broker, and is therefore in accordance the terms of Section 56-1545, [Code of Laws of South Carolina](#) (1962) required to be licensed as such.

I trust that this has been sufficient to answer the question which you posed. If we may be of any further assistance please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn
Senior Assistant Attorney General

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