

fuse to obey the order aforesaid shall be deemed a separate and distinct offense in violation thereof.

Approved March 25, 1955

CHAPTER 113

AN ACT

To license and regulate Real Estate Brokers and Salesmen; creating a Real Estate Board; prescribing penalties; and declaring an emergency.

(H. B. 143)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. For the purposes of this Act, words and phrases shall have the following meaning, unless other meaning is apparent from the context:

(a) A "real estate broker" or "broker" is a person who, for a compensation, sells or offers for sale, buys, or offers to buy, lists, or solicits for prospective purchasers, or negotiates the purchase or sale or exchange of real estate, or who, for compensation, negotiates loans on real estate, leases or offers to lease, or negotiates the sale, purchase, or exchange of leases, rents, or places for rent, or collects rent from real estate, or improvement thereon, for another or others.

(b) A "real estate salesman" or

"salesman" is any person, other than a corporation, copartnership or unincorporated association, who represents a real estate broker in the performance of any of the acts above set forth.

(c) The word "person" as used in this Act shall be construed to include a corporation, copartnership or unincorporated association, except where otherwise restricted.

Section 2. The provisions of this Act shall not apply to any person who purchases, leases or rents property for his own use or account, nor to any person who, being the owner of property sells, exchanges, leases, rents or otherwise disposes of the same for his own account, nor to any person other than a broker holding a duly executed power of attorney from the owner granting power to execute

any instrument necessary to consummate the sale, exchange, or leasing of real estate, nor to any receiver, trustee in bankruptcy, executors, administrator or guardian, nor to any person acting under the order of any court, nor to any person selling under a deed of trust.

Section 3. There is hereby created the Alaska Real Estate Board. The Board shall consist of five members, three shall be licensed real estate brokers, one shall be a public member, and the Land Commissioner of Alaska, who shall serve as Chairman and Commissioner. Members other than the Land Commissioner shall be appointed by the Governor, subject to confirmation by the Legislature. Members shall hold office for a term of four years, except that the first members appointed shall serve terms of one, two, three and four years, respectively. Members of the board shall receive no compensation, but shall receive per diem and travel expense as Territorial employees when in attendance at meetings of the board.

Section 4. It shall be the duty of the Board to enforce all laws, rules and regulations relating to the licensing of real estate brokers and real estate salesmen and to conduct examinations semi-annually as hereinafter provided.

Section 5. It shall be the duty of the Commissioner and Board members to conduct examinations of applicants and issue licenses as herein provided:

(a) An applicant for license shall submit an application for license, as hereinafter provided, and shall pass such written examination relative to real estate transactions as the Board may require. No person who has failed to receive a passing grade on such examination shall be eligible to retake it for a period of six months.

(b) Should an applicant who has been operating under a temporary salesman license fail in his examination for a salesman's license, he cannot apply for a salesman's license again until the full period of six months from the date of his failure has elapsed. Applicants passing examinations and otherwise meeting the requirements of this Act shall be issued appropriate licenses immediately.

(c) When the holder of a salesman's license applies for a broker's license and fails to pass the brokers examination, he may continue to operate under his salesman's license.

(d) The Board shall issue a temporary "salesman's license" upon application by a licensed broker; said license shall be issued in the name designated by said broker and shall be retained at all times by the broker.

Section 6. All fees under this Act shall be paid to the Commissioner and shall be covered by him into the General Fund of the Territory of Alaska.

Section 7. A license issued hereunder shall authorize only the li-

censee named therein, and no other, to perform any act mentioned in Section 1 of this Act; provided, that wherever a license is issued under the provisions of this Act to a corporation, it shall be issued to a person to be named by said corporation in its application for said license who shall qualify the same as any other broker. Provided, further, that whenever a license is issued under the provisions of this Act to a copartnership or unincorporated association, said license shall entitle one member of said copartnership to be named by said copartnership in its application for said license who shall qualify the same as any other agent to act as a real estate broker on behalf of said copartnership without the payment of additional license fees; provided further, that no licensed real estate broker or salesman shall operate under any name other than the one under which said license is issued unless he shall have first obtained the written consent of the Board to do so.

Section 8. Any person desiring to be licensed as a real estate broker or real estate salesman shall make application to the Board for a license therefor upon a form to be prescribed and furnished by the Board, giving his full name and address and such additional information as may be deemed necessary. With the application to the Board, the applicant shall:

(a) Pay a license fee of \$50.00 if application is for a broker's license; \$25.00 for a real estate salesman's

license; and \$10.00 for a temporary salesman's license.

(b) Deliver to the Board a bond to the Territory of Alaska in a form approved by the Board in the sum of Five Thousand Dollars for Broker and One Thousand Dollars for each salesman, temporary or otherwise, executed by a surety company duly authorized to do business in the Territory, guaranteeing the faithful accounting and proper remission of all funds entrusted to such real estate broker or real estate salesman.

(c) If the applicant is a corporation, deliver to the Board a list of its officers and directors and their addresses, and if the applicant is a copartnership, or unincorporated association, then a list of the members of said copartnership or association and their addresses.

Section 9. An applicant for examination and license hereunder shall have been:

(a) If for a broker's license, a citizen of the United States, a bona fide resident of the Territory of Alaska for a period of at least one year prior to the time when application is made.

(b) If the holder of a valid real estate broker's or salesman's license from one of the forty-eight States or other jurisdiction immediately prior to his entrance into Alaska, a resident of Alaska for a period of ninety days, provided that proof of such previous license shall be offered to the satisfaction

of the Board, he shall be eligible for a salesman's license.

Section 10. Any real estate broker in the Territory of Alaska operating prior to the adoption of this Act shall, upon presentation of his bond, be issued a broker's license. Upon application by any such broker for licenses for salesmen in his employ, such licenses shall be issued by the Commissioner upon presentation of the salesman's bond.

Section 11. Persons having passed successfully an examination for a real estate broker's license or real estate salesman's license, and having been issued a license to operate as provided herein, shall be entitled to have such license renewed for successive years without examination.

Section 12. Each applicant for examination to become a real estate salesman shall pay a fee of \$15.00 and each applicant for examination to become a real estate broker shall pay a fee of \$25.00, which fee shall accompany the application.

Section 13. Each person licensed as a real estate broker under the provisions of this Act shall be required to have and maintain a definite place of business in the Territory which shall serve as his office for the transaction of business, wherein the license of said real estate broker shall be prominently displayed. Branch offices, must be under the same name as the main office, in charge of a licensed broker and may be maintained upon payment of an additional license

fee of \$5.00 for each such branch office.

Section 14. The Board may, upon its own motion and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker or real estate salesman regardless of whether such transaction be for his own account or in his capacity as a broker, and shall have the power to temporarily suspend or permanently revoke any license issued under this Act when the holder thereof is guilty of:

(a) Obtaining a license by means of fraud, misrepresentation, concealment or through the mistake or inadvertence of the Board.

(b) Violating any of the provisions of this Act or any lawful rules and regulations made by the Board pursuant thereto.

(c) A crime against the laws of the Territory or any state, or government, involving moral turpitude or dishonest dealings within the past five years .

(d) Making, printing, publishing, distributing or causing, authorizing or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act to his damage or injury; where such statements, descriptions or promises purport to be made, or to be performed by, either

the licensee or his principal, if the licensee then knew, or by the exercise of reasonable care and inquiry, could have known of the falsity of said statements, descriptions or promises.

(e) Knowingly committing, or being party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relying upon such representation or conduct of the licensee shall do so to his injury or damage.

(f) Accepting the services of, or continuing in a representative capacity, any salesman who has not been granted a license, or after his license has been revoked, or during a suspension thereof.

(g) Converting any money, contract, deed, note, mortgage or abstract or other evidence of title, to his own use, or to the use of his principal or any other person when delivered to him in trust or on condition, or in violation of the trust; and a failure to return such money, contract, deed, note, mortgage or abstract or other evidence of title after the owner thereof shall be entitled thereto, and shall make demand therefor, shall be prima facie evidence of such conversion.

(h) Failing or refusing upon demand to disclose any information within his knowledge, or to produce any document, book or record in his possession for inspection to the Board, when acting within the jurisdiction or by authority of

this Act.

(i) Committing any act of the same or different character from that hereinbefore enumerated which constitute fraudulent or dishonest dealing.

(j) Advertising in any manner without affixing the name of broker to said advertisement.

(k) Accepting other than cash, or its equivalent, as earnest money, unless such fact is communicated to the owner prior to his acceptance of the offer to purchase.

(l) Accepting, taking or charging any undisclosed commission, rebate or direct profit on services rendered or expenditures made for a principal.

(m) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value.

(n) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless such interest is clearly stated in the appraisal report.

(o) Misrepresentation of membership in any Territorial or national real estate association.

Section 15. Whenever a majority of the Board shall determine to suspend or revoke a license, or shall refuse to renew a license or accept an application therefor, the Board shall notify the holder of or the applicant for such license of

such intention in writing, and the person affected shall be afforded prompt opportunity to be heard in person or by counsel or in writing, and to offer evidence in reference thereto. If the person affected shall be aggrieved by the decision of the Board revoking or withholding the license, he may appeal to the District Court in the Judicial Division in which he has his principal place of business by filing notice of such appeal and bond with the Clerk of the Court of said Judicial Division within twenty days from the date of the Board's decision. The bond shall be in the sum of Two Hundred Dollars and shall be approved by the Judge of said District Court, conditioned to pay all costs that may be granted against such applicant in the event of an adverse decision. The filing of said notice and bond shall supersede the order of the Board until the final determination of such appeal.

All power and duties conferred upon the Commissioner in this Act may be delegated by him to members of the Board.

Section 16. The Commissioner shall have the power to administer oaths, certify to all official acts with approval of the Board, and shall have the power to subpoena and bring before him any person in this Territory as a witness, to compel the production of books and papers and to take the testimony of any person by deposition within or without the Territory in the same manner as is prescribed by law in the procedure of the

District Courts of the Territory in civil cases, in any hearing in any part of the Territory. Process issued by the Board shall extend to all parts of the Territory and may be served by any person authorized to serve process of courts of record.

Section 17. Any person acting as a real estate broker or real estate salesman within the meaning of this Act, without a license as herein provided, or violating any of the provisions of this Act, shall be guilty of a misdemeanor.

Section 18. It shall be unlawful for any licensed broker to pay any part or share of a commission or other compensation received in the capacity of a real estate broker to any person who is not a licensed real estate broker, or to a real estate salesman not licensed to do business for such broker, or for any licensed salesman to pay any part or share of a commission or other compensation received in the capacity of a real estate salesman to any person, whether licensed or not, except through his broker.

Section 19. The license of any real estate salesman shall be retained at all times by his designated broker and when any real estate salesman shall cease to represent his broker his license shall cease to be in force. Notice of such termination shall be given by the broker to the Commissioner and such notice shall be accompanied by and include the surrender of the salesman's license. Failure of

any broker to promptly notify the Commissioner of such salesman's termination shall work a forfeiture of the broker's license. Upon application of the salesman and the payment of One Dollar, the Commissioner shall issue a new license for the unexpired term, if such salesman is otherwise entitled thereto; provided, however, that when any real estate salesman's services shall be terminated by his broker for a violation of any of the provisions of Section 14 hereof, a written statement of the facts in

reference thereto shall be filed forthwith with the Commissioner by the broker.

Section 20. An emergency is hereby declared to exist and this Act shall take effect and be in force immediately upon its passage and approval, or upon its becoming law without such approval; Provided, that all brokers and salesmen shall have thirty days within which to comply with the requirements of this Act.

Approved March 28, 1955

CHAPTER 114

AN ACT

To appropriate funds for payment of sundry claims; to authorize the Treasurer to waive the provisions of Sec. 33-3-11 to 33-3-120, ACLA 1949, relative to bounty claims, and declaring an emergency.

(S. B. 146)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. The following sums of money, or so much thereof as may be necessary, respectively, are hereby appropriated for the purposes hereinafter specified, and said claims are hereby approved, to-wit:

BOUNTY CLAIMS: DEFICIENCIES

Wolf and Coyote claims,
including uncertified

claims	\$12,500.00
Wolverine claims, including uncertified claims...	3,500.00
Hair Seal claims	12,500.00

PIONEERS' HOME

To Mrs. Vena Crone, former Chief Cook at Home, for two months sick leave	1,050.00
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To Gus Woodrow, Care-taker at Goddard Hot