

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Statutory Authority: 24 Delaware Code, Section 2905(a)(1) (24 **Del.C.** §2905(a)(1))
24 **DE Admin. Code** 2900

FINAL

2900 Real Estate Commission

ORDER

After due notice in the *Register of Regulations* and two Delaware newspapers, a public hearing was held on January 12, 2012 at a scheduled meeting of the Delaware Real Estate Commission to receive comments regarding the Commission's proposed revisions to its rules and regulations. The Commission proposed extensive revisions to the rules and regulations to implement amendments to the Commission's licensing law, Chapter 29 of Title 24 of the **Delaware Code**, which will go into effect on February 3, 2012. In particular, the proposed rules specify the licensure requirements for Broker, Associate Broker and Salesperson and for licensure by reciprocity. The Commission proposes removal of the requirement that application must be made within twelve months after course completion. However, if application is not made within twelve months, the applicant must meet continuing education requirements. The amendments add provisions imposing greater responsibility on the Broker for the conduct of his or her Associate Brokers and Salespersons. Specifically, Brokers will be required to maintain continuing education certificates for Associate Brokers and Salespersons. The rules pertaining to advertising are expanded to set forth disclosure requirements for all types of advertising, including internet advertising. The rules pertaining to continuing education are expanded to specify requirements for licensure renewal. The Commission's authority to conduct audits and impose discipline in connection with rule to show cause hearings is also explained in detail. Finally, the list of crimes substantially related to the provision of Real Estate Services is expanded.

The proposed changes to the rules and regulations were published in the *Register of Regulations*, Volume 15, Issue 6, on December 1, 2011. Notice of the January 12, 2012 hearing was published in the *News Journal* (Exhibit 1) and the *Delaware State News*. Exhibit 2.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

Commission Exhibit 1: *News Journal* Affidavit of Publication.

Commission Exhibit 2: *Delaware State News* Affidavit of Publication.

The Commission received no written or public comment.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Commission with comments in writing and by testimony at the public hearing on the proposed amendments to the Commission's rules and regulations.

Pursuant to 24 **Del.C.** §2905(a)(1), the Commission has the statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute. The proposed revisions serve to implement amendments to the Commission's licensing law, which will go into effect on February 3, 2012. Amendments pertaining to broker responsibilities, advertising and continuing education provide greater clarity for licensees and greater protection for the public. The Commission concludes that adoption of the rules and regulations as amended advances professional standards and is in the best interest of the public.

Decision and Effective Date

The Commission hereby adopts the proposed amendments to the rules and regulations to be effective 10 days following final publication of this Order in the *Register of Regulations*.

Text and Citation

The text of the revised rules and regulations remains as published in the *Register of Regulations*, Volume 15, Issue 6 on December 1, 2011.

IT IS SO ORDERED this 12th day of January 2012 by the Delaware Real Estate Commission.

Christopher J. Whitfield, Professional Member,
Vice-Chairperson

Ricky H. Allamong, Professional Member

James C. Brannon, Jr., Public Member

Gilbert Emory, Public Member

Michael Harrington, Sr., Professional Member, Secretary

Joseph McCann

Patricia O'Brien, Public Member

Andrew Staton, Professional Member, Chairperson

Vincent M. White, Professional Member

2900 Real Estate Commission

4.0 Introduction

4.1 Authority

1.1.1 Pursuant to ~~24 Del.C. §2905~~, the Delaware Real Estate Commission is authorized and empowered and hereby adopts the rules and regulations contained herein.

1.1.2 The Commission reserves the right to make any amendments, modifications or additions hereto, that, in its discretion are necessary or desirable.

1.1.3 The Commission reserves the right to grant exceptions to the requirements of the rules and regulations contained herein upon a showing of good cause by the party requesting such exception, provided such exception is not inconsistent with the requirements of ~~24 Del.C. Ch. 29~~.

4.2 Applicability

1.2.1 The rules and regulations contained herein, and any amendments, modifications or additions hereto are applicable to all persons presently licensed as real estate brokers or real estate salespersons, and to all persons who apply for such licenses.

4.3 Responsibility

1.3.1 It is the responsibility of the employing broker to insure that the rules and regulations of the Commission are complied with by licensees. Every broker is responsible for making certain that all of his or her sales agents are currently licensed, and that their agents make timely application for license renewal. A broker's failure to meet that responsibility may result in a civil fine against the broker of up to \$1,000.00 per agent.

1.3.2 Each office location shall be under the direction of a broker of record, who shall provide complete and adequate supervision of that office. A broker serving as broker of record for more than one office location within the State shall apply for and obtain an additional license in his name at each branch office. The application for such additional license shall state the location of the branch office and the name of a real estate broker or salesperson licensed in this State who shall be in charge of managing the branch office on a full time basis.

A broker shall not serve as broker of record unless said broker has been actively engaged in the practice of real estate, either as a licensed salesperson or a licensed broker, for the preceding three (3) years.

Where an unforeseen event, such as a resignation or termination from employment, death, emergency, illness, call to military service or training, or a sanction imposed by the Commission causes or necessitates the removal of the sole licensed broker in an office, arrangements may be made with the Commission for another broker to serve as broker of record for said office on a temporary basis.

The employment of a sales manager, administrative manager, trainer, or other similar administrator shall not relieve the broker of record of the responsibilities contained and defined herein.

1.3.3 The failure of any licensee to comply with the Real Estate Licensing Act and the rules and regulations of the Commission may result in disciplinary action in the form of a reprimand, civil penalty, suspension or revocation of the broker's and/or salesperson's license.

2.0 Requirements for Obtaining a Salesperson's License

The Commission shall consider any applicant who has successfully completed the following:

2.1 Course

2.1.1 The Commission shall consider any applicant who has successfully completed an accredited course in Real Estate Practice.

2.1.2 All other regulations regarding real estate courses are issued under the "Guidelines for Fulfilling the Delaware Real Estate Education Requirements".

2.2 Examination

- 2.2.1 ~~Within twelve (12) months of completing an accredited course, the applicant must make application to the Commission by submitting a score report showing successful completion of the examination required by the Commission. The applicant must forward all necessary documentation to the Commission to be considered for licensure.~~
- 2.2.2 ~~An applicant may sit for the examination a maximum of three (3) times after successful completion of an approved course in real estate practice. If an applicant fails to pass the examination after three (3) attempts at such, the applicant shall be required to retake and successfully complete an approved course in real estate practice before being permitted to sit for the examination again.~~
- 2.3 ~~Ability to conduct business~~
 - 2.3.1 ~~The Commission reserves the right to deny licensure to an applicant based upon a determination that the applicant is not competent to transact business of a real estate salesperson.~~
 - 2.3.2 ~~The minimum age at which a salesperson's license can be issued is eighteen (18).~~
- 2.4 ~~Fees~~

~~The Commission shall not consider an application for a salesperson's license unless such application is submitted with evidence of payment of the following fees:~~

 - 2.4.1 ~~Salesperson's application fee established by the Division of Professional Regulation pursuant to 29 Del.C. §8807(d).~~

~~5 DE Reg. 1387 (1/01/02)~~

3.0 Requirements for Obtaining a Real Estate Broker's License

~~The Commission shall consider the application of any person for a broker's license upon completion of the following:~~

- 3.1 ~~Course~~
 - 3.1.1 ~~The Commission shall consider the application of any person for a license after said applicant has successfully completed an accredited course.~~
 - 3.1.2 ~~Effective May 1, 1978, all courses shall be limited to thirty-five (35) students in each class.~~
- 3.2 ~~Experience~~
 - 3.2.1 ~~A salesperson must hold an active license in the real estate profession for five (5) continuous years immediately preceding application for a broker's license. If the licensee fails to renew his or her license by the expiration date but then makes an application for reinstatement within sixty (60) days of the expiration of the license and the Commission otherwise approves the application for reinstatement, the five-years' continuity will not be broken.~~
 - 3.2.2 ~~The applicant shall submit to the Commission a list of at least thirty (30) sales or other qualified transactions, showing dates, location, purchaser's name and seller's name. These sales must have been made by the applicant within the previous five (5) years through the general brokerage business and not as a representative of a builder, developer, and/or subdivider. Transactions involving time shares, leases, or property management are not qualified transactions for purposes of obtaining a real estate broker's license. The Commission reserves the right to waive any of the above requirements, upon evidence that the applicant possesses sufficient experience in the real estate business or demonstrates collateral experience to the Commission.~~
 - 3.2.3 ~~The list of thirty (30) sales or other qualified transactions and/or the variety of the licensee's experience must be approved by the Commission.~~
- 3.3 ~~Examination~~
 - 3.3.1 ~~Within twelve (12) months of completing an accredited course, the applicant must submit a score report showing successful completion of the examination required by the Commission and submit all necessary documentation including the credit report required by Rule 3.5.1 to the Commission to be considered for licensure.~~
- 3.4 ~~Ability to conduct business~~
 - 3.4.1 ~~The Commission reserves the right to deny licensure to an applicant based upon a determination that the applicant is not competent to transact the business of a real estate broker, including a determination that the applicant lacks experience.~~
 - 3.4.2 ~~The minimum age at which a person can be issued a broker's license is twenty-three (23).~~
- 3.5 ~~Credit Report~~
 - 3.5.1 ~~Each applicant shall submit a credit report from an approved credit reporting agency, which report shall be made directly to the Commission.~~

3.6 Fees

The Commission shall not consider an application for a broker's license unless such application is submitted with evidence of payment of the following fees:

~~3.6.1 Broker's application fee established by the Division of Professional Regulation pursuant to 29 Del.C. §8807(d).~~

~~4 DE Reg. 846 (11/01/00)~~

~~5 DE Reg. 1387 (1/01/02)~~

4.0 Reciprocal Licenses

4.1 Requirements

~~4.1.1 A non-resident of this State who is duly licensed as a broker in another state and who is actually engaged in the business of real estate in the other state may be issued a nonresident broker's license under 24 Del.C. §2909(a).~~

~~4.1.2 A non-resident salesperson who is duly licensed as a salesperson in another state and who is actually engaged in the business of real estate in the other state may be issued a non-resident salesperson's license provided such non-resident salesperson is employed by a broker holding a broker's license issued by the Commission.~~

~~5 DE Reg. 1387 (1/01/02)~~

5.0 Escrow Accounts

~~5.1 All moneys received by a broker as agent for his principal in a real estate transaction shall be deposited within three (3) banking days after a contract of sale or lease has been signed by both parties, in a separate escrow account so designated, and remain there until settlement or termination of the transaction at which time the broker shall make a full accounting thereof to his or her principal.~~

~~5.1.1 When the real estate transaction is a non-recurring residential rental agreement of less than one hundred twenty (120) days, the broker may, in accordance with written authorization from his or her principal, transfer from the escrow account a management fee and an amount specified up to a stated dollar amount for authorized repairs or cleaning expenses. Any amounts transferred in accordance with this Rule 5.1.1 must be reconciled and reflected in the written full accounting required by Rule 5.1.~~

~~5.2 All moneys received by a salesperson in connection with a real estate transaction shall be immediately delivered to the appropriate broker. A licensee shall not accept, as a good faith or earnest money deposit in connection with a real estate transaction, a photocopy, facsimile, or other copy of a personal check or draft, nor shall a licensee accept as a good faith or earnest money deposit a check or draft that is postdated.~~

~~5.3 A broker shall not co-mingle money or any other property entrusted to him with his money or property, except that a broker may maintain up to \$100.00 of his/her own funds in the escrow account to cover bank service charges and to maintain the minimum balance necessary to avoid the account being closed.~~

~~5.4 A broker shall maintain in his office a complete record of all moneys received or escrowed on real estate transactions, including the sources of the money, the date of receipt, depository, and date of deposit; and when a transaction has been completed, the final disposition of the moneys. The records shall clearly show the amount of the broker's personal funds in escrow at all times.~~

~~5.5 An escrow account must be opened by the broker in a bank with an office located in Delaware in order to receive, maintain or renew a valid license.~~

~~5.6 The Commission may summarily suspend the license of any broker who fails to comply with 5.4, who fails to promptly account for any funds held in escrow, or who fails to produce all records, books, and accounts of such funds upon demand. The suspension shall continue until such time as the licensee appears for a hearing and furnishes evidence of compliance with the Rules and Regulations of the Commission.~~

~~5.7 Interest accruing on money held in escrow belongs to the owner of the funds unless otherwise stated in the contract of sale or lease.~~

~~5 DE Reg. 1070 (11/1/01)~~

~~4 DE Reg. 457 (9/1/00)~~

6.0 Transfer of Broker or Salesperson

~~6.1 All licensees who transfer to another office, or brokers who open their own offices, but who were associated previously with another broker or company, must present a completed transfer form to the Commission signed by the individual broker or company with whom they were formerly associated, before the broker's or~~

salesperson's license will be transferred. In addition all brokers who are non-resident licensees must also provide a current certificate of licensure.

6.2 The Commission reserves the right to waive this requirement upon a determination of good cause.

6.3 All brokers of record who move the physical location of their office shall notify the Commission in writing at least 30 days, or as soon as practical, prior to such move by filing a new office application.

7.0 Business Transactions and Practices

7.1 Written Listing Agreements

7.1.1 Listing Agreements for the rental, sale, lease or exchange of real property, whether exclusive, co-exclusive or open shall be in writing and shall be signed by the seller or owner.

7.2 Copy of agreements

7.2.1 Every party to a listing agreement, agreement of purchase and sale, or lease shall be furnished with an executed copy of such contract or contracts. It shall be the responsibility of the licensee to deliver an executed copy of the agreements to the principals within a reasonable length of time after execution.

7.3 Advertising

7.3.1 Any licensee who advertises in newspapers, the Internet, or any other media, real property personally owned or real property in which the licensee has any ownership interest must include in the advertisement that he or she is the owner of said property, and that he or she is a real estate licensee. This subsection does not apply to signs.

7.3.2 Any licensee who advertises on signs, newspapers, the Internet, or any other media an offer to purchase real property must include in the advertisement that he or she is a real estate licensee.

7.3.3 Any licensee who advertises, by signs, or in newspapers, the Internet, or any other media, any real property for sale, lease, exchange, or transfer that is listed with a broker must include in legible print in the advertisement the complete business name that has been registered with the Commission, and office phone number registered by the broker of record with the Commission for that office location. Nothing contained herein shall preclude the listing of additional phone numbers. All such advertising shall also contain language or abbreviations that clearly identify each phone number listed; examples include, but are not limited to: "Office"; "Home"; "Res."; "Car"; and "Cell".

7.3.4 All advertisements for personal promotion of licensees must include the complete business name that has been registered with the Commission, and office phone number registered by the broker of record with the Commission for that office location.

7.4 Separate Office

7.4.1 Each licensed broker who is a resident of this State shall maintain an office in this State approved by the Commission in which to transact real estate business. No licensee shall transact real estate business at any office location unless an office application has been filed with and approved by the Commission. Nothing contained herein, however, shall preclude said persons from sharing facilities approved by the Commission with such other businesses as insurance, banking, or others that the Commission shall deem compatible.

7.4.2 If a broker maintains more than one place of business within the State, the broker shall apply for and obtain approval by the Commission for each office location.

7.4.3 Any office located in a private home must be approved by the Commission and have a separate entrance. The broker must place a permanent sign indicating the name under which the office is registered with the Commission in a conspicuous location.

7.5 Compensation

7.5.1 Licensees shall not accept compensation from more than one party to a transaction, even if permitted by law, without timely disclosure to all parties to the transaction.

7.5.2 When acting as agent, a licensee shall not accept any commission, rebate, or profit on expenditures made for his principal owner without the principal's knowledge and informed consent.

7.6 Duty to Cooperate

7.6.1 Brokers and salespersons shall cooperate with all other brokers and salespersons involved in a transaction except when cooperation is not in the client's best interest. The obligation to cooperate does not include the obligation to share commissions or to otherwise compensate another broker or salesperson.

~~5 DE Reg. 1387 (1/01/02)~~

8.0 Renewal of Licenses

8.1 Renewal Required by Expiration Date on License

8.1.1 In order to qualify for license renewal as a real estate salesperson or broker in Delaware, a licensee shall have completed 15 hours of continuing education within the two year period immediately preceding the renewal. The licensee seeking renewal shall certify to the Commission that the licensee has complied with the necessary continuing education requirements. This certification form shall be submitted by the licensee together with his/her renewal application and renewal fee. The licensee shall retain for a period of two (2) years, the documents supporting his/her certification that the he/she has complied with the continuing education requirement. A licensee who has not paid the fees and/or met the requirements for the renewal of his or her license by the expiration date shown thereon, shall not list, sell, lease or negotiate for others after such date.

8.2 Reinstatement of License

8.2.1 An expired license shall be reinstated only after the licensee pays the necessary fees and passes any examinations required by the Commission. If the licensee fails to apply for renewal within 6 months of the cancellation date, the licensee shall be required to take the state portion of the examination. If the licensee fails to apply for renewal before the next renewal period commences (two years), the licensee shall be required to pass both the state and the national portions of the examination.

8.2.2 No person whose license has been revoked will be considered for the issuance of a new license for a period of at least two (2) years from the date of the revocation of the license. Such person shall then fulfill the following requirements: he or she shall attend and pass the real estate course for salespersons; take and pass the Commission's examination for salespersons; and any other criteria established by the Commission. Nothing above shall be construed to allow anyone to take the course for the purpose of licensing until after the waiting period of two (2) years. Nothing contained herein shall require the Commission to issue a new license upon completion of the above mentioned requirements, as the Commission retains the right to deny any such application.

~~5 DE Reg. 1387 (1/01/02)~~

~~11 DE Reg. 87 (07/01/07)~~

9.0 Availability of Rules and Regulations

9.1 Fee Charge for Primers

9.1.1 Since licensees are required to conform to the Commission's Rules and Regulations and the Laws of the State of Delaware, these Rules and Regulations shall be made available to licensees without charge. However, in order to help defray the cost of printing, students in the real estate courses and other interested parties may be required to pay such fee as stipulated by the Division of Professional Regulation for the booklet or printed material.

10.0 Disclosure

10.1 A licensee who is the owner, the prospective purchaser, lessor or lessee or who has any personal interest in a transaction, must disclose his or her status as a licensee to all persons with whom he or she is transacting such business, prior to the execution of any agreements and shall include on the agreement such status.

10.2 Any licensee advertising real estate for sale stating in such advertisement, "If we cannot sell your home, we will buy your home", or words to that effect, shall disclose in the original listing contract at the time he or she obtains the signature on the listing contract, the price he will pay for the property if no sales contract is executed during the term of the listing. Said licensee shall have no more than sixty (60) days to purchase and settle for the subject property upon expiration of the original listing or any extension thereof.

10.3 A licensee who has direct contact with a potential purchaser or seller shall disclose in writing whom he/she represents in any real estate negotiation or transaction. A written confirmation of disclosure shall also be included in the contract for the real estate transaction regardless of whether the relationship is a statutory agency relationship or a common law agency relationship.

10.3.1 Statutory Agency Relationships

10.3.1.1 The licensee shall provide a consumer information statement (CIS), as approved by this Commission, to the consumer no later than the first scheduled appointment or showing of a property, as required by Section 2972.

10.3.1.2 The Commission will approve a CIS which will be available on its website for use by licensees. The Commission may also approved alternative CIS's, as provided in Section 2972(a), which also will be posted on its website. Any changes to a CIS must be approved by a quorum of the Commission.

10.3.1.3 ~~The written confirmation of disclosure in the contract for the real estate transaction shall identify and confirm the form of statutory agency relationship.~~

10.3.2 ~~Common Law Agency Relationships~~

10.3.2.1 ~~The disclosure as to whom the licensee represents should be made at the first substantive contact to each party to the negotiation or transaction. In all cases such disclosure must be made prior to the presentation of an offer to purchase.~~

10.3.2.2 ~~The written confirmation of disclosure in the contract shall be worded as follows:~~

10.3.2.2.1 ~~With respect to agent for seller: "This broker, any cooperating broker, and any salesperson working with either, are representing the seller's interest and have fiduciary responsibilities to the seller, but are obligated to treat all parties with honesty. The broker, any cooperating broker, and any salesperson working with either, without breaching the fiduciary responsibilities to the seller, may, among other services, provide a potential purchaser with information about the attributes of properties and available financing, show properties, and assist in preparing an offer to purchase. The broker, any cooperating broker, and any salesperson working with either, also have the duty to respond accurately and honestly to a potential purchaser's questions and disclose material facts about properties, submit promptly all offers to purchase and offer properties without unlawful discrimination."~~

10.3.2.2.2 ~~With respect to agent for buyer: "This broker, and any salesperson working for this broker, is representing the buyer's interests and has fiduciary responsibilities to the buyer, but is obligated to treat all parties with honesty. The broker, and any salesperson working for the broker, without breaching the fiduciary responsibilities to the buyer, may, among other services, provide a seller with information about the transaction. The broker, and any salesperson working for the broker, also has the duty to respond accurately and honestly to a seller's questions and disclose material facts about the transaction, submit promptly all offers to purchase through proper procedures, and serve without unlawful discrimination."~~

10.3.2.2.3 ~~In the case of a transaction involving a lease in excess of 120 days, substitute the term "lessor" for the term "seller", substitute the term "lessee" for the terms "buyer" and "purchaser", and substitute the term "lease" for "purchase" as they appear above.~~

10.4 ~~If a property is the subject of an agreement of sale but being left on the market for backup offers, or is the subject of an agreement of sale which contains a right of first refusal clause, the existence of such agreement must be disclosed by the listing broker to any individual who makes an appointment to see such property at the time such appointment is made.~~

11 DE Reg. 87 (07/01/07)

11.0 Hearings

11.1 ~~When a complaint is filed with the Commission against a licensee, the status of the broker of record in that office shall not change.~~

11.2 ~~There shall be a maximum of one (1) postponement for each side allowed on any hearing which has been scheduled by the Commission. If any of the parties are absent from a scheduled hearing, the Commission reserves the right to act based upon the evidence presented.~~

12.0 Inducements

12.1 ~~Real Estate licensees cannot use commissions or income received from commissions as rebates or compensation paid to or given to Non-licensed Persons, partnerships or corporations as inducements to do or secure business, or as a finder's fee.~~

12.2 ~~This Rule does not prohibit a real estate broker or salesperson from giving a rebate or discount or any other thing of value directly to the purchaser or seller of real estate. The real estate broker or salesperson, however, must be licensed as a resident or non-resident licensee by the Commission under the laws of the State of Delaware.~~

12.3 ~~A real estate broker or salesperson has an affirmative obligation to make timely disclosure, in writing, to his or her principal of any rebate or discount that may be made to the buyer.~~

13.0 Necessity of License

13.1 ~~For any property listed with a broker for sale, lease or exchange, only a licensee shall be permitted to host or staff an open house or otherwise show a listed property. That licensee may be assisted by non-licensed persons provided a licensee is on site. This subsection shall not prohibit a seller from showing their own house.~~

- 13.2 For new construction, subdivision, or development listed with a broker for sale, lease or exchange, a licensee shall always be on site when the site is open to the general public, except where a builder and/or developer has hired a non-licensed person who is under the direct supervision of said builder and/or developer for the purpose of staffing said project.

14.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

- 14.1 If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.
- 14.2 The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.
- 14.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's designate(s).
- 14.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.
- 14.5 Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in section 15.8.
- 14.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
- 14.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
- 14.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
- 14.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
- 14.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.
- 14.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson or his/her designate or designates or to the

- Director of the Division of Professional Regulation or his/ her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
- ~~14.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.~~
- ~~14.6.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.~~
- ~~14.6.8 The participating Board's chairperson, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.~~
- ~~14.6.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.~~
- ~~14.6.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.~~
- ~~14.6.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.~~
- ~~14.6.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.~~

15.0 Crimes Substantially Related To The Practice Of Real Estate Brokers, Salespersons And Appraisers

- ~~15.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of real estate brokers, salespersons and appraisers in the State of Delaware without regard to the place of conviction:~~
- ~~15.1.1 Murder by abuse or neglect in the second degree; class B felony. 11 Del.C. §633.~~
- ~~15.1.2 Murder by abuse or neglect in the first degree; class A felony. 11 Del.C. §634.~~
- ~~15.1.3 Murder in the second degree; class A felony. 11 Del.C. §635.~~
- ~~15.1.4 Murder in the first degree; class A felony. 11 Del.C. §636.~~
- ~~15.1.5 Unlawful sexual contact in the second degree; class G felony. 11 Del.C. §768.~~
- ~~15.1.6 Unlawful sexual contact in the first degree; class F felony. 11 Del.C. §769.~~
- ~~15.1.7 Rape in the fourth degree; class C felony. 11 Del.C. §770.~~
- ~~15.1.8 Rape in the third degree; class B felony. 11 Del.C. §771.~~
- ~~15.1.9 Rape in the second degree; class B felony. 11 Del.C. §772.~~
- ~~15.1.10 Rape in the first degree; class A felony. 11 Del.C. §773.~~
- ~~15.1.11 Continuous sexual abuse of a child; class B felony. 11 Del.C. §778.~~
- ~~15.1.12 Dangerous crime against a child; class B felony. 11 Del.C. §779.~~
- ~~15.1.13 Kidnapping in the second degree; class C felony. 11 Del.C. §783.~~
- ~~15.1.14 Kidnapping in the first degree; class B felony. 11 Del.C. §783A.~~
- ~~15.1.15 Arson in the third degree; class G felony. 11 Del.C. §801.~~
- ~~15.1.16 Arson in the second degree; class D felony. 11 Del.C. §802.~~
- ~~15.1.17 Arson in the first degree; class C felony. 11 Del.C. §803.~~
- ~~15.1.18 Burglary in the second degree; class D felony. 11 Del.C. §825.~~
- ~~15.1.19 Burglary in the first degree; class C felony; class B felony. 11 Del.C. §826.~~
- ~~15.1.20 Robbery in the second degree; class E felony. 11 Del.C. §831.~~
- ~~15.1.21 Robbery in the first degree; class B. 11 Del.C. §832.~~
- ~~15.1.22 Carjacking in the first degree; class C felony; class B felony. 11 Del.C. §836.~~
- ~~15.1.23 Extortion; class E felony. 11 Del.C. §846.~~
- ~~15.1.24 Misapplication of property; class G felony. 11 Del.C. §848.~~

- ~~15.1.25 Theft of rented property; class G felony. 11 **Del.C.** §849.~~
- ~~15.1.26 Identity theft; class E felony; class D felony. 11 **Del.C.** §854.~~
- ~~15.1.27 Forgery; class F felony; class G felony. 11 **Del.C.** §861.~~
- ~~15.1.28 Possession of forgery devices; class G felony. 11 **Del.C.** §862.~~
- ~~15.1.29 Tampering with public records in the first degree; class E felony. 11 **Del.C.** §876.~~
- ~~15.1.30 Issuing a false certificate; class G felony. 11 **Del.C.** §878.~~
- ~~15.1.31 Fraudulent conveyance of public lands; class G felony. 11 **Del.C.** §911.~~
- ~~15.1.32 Fraudulent receipt of public lands; class G felony. 11 **Del.C.** §912.~~
- ~~15.1.33 Insurance fraud; class G felony. 11 **Del.C.** §913.~~
- ~~15.1.34 Home improvement fraud; class G felony. 11 **Del.C.** §916.~~
- ~~15.1.35 New home construction fraud; class C felony, class F felony, class G felony. 11 **Del.C.** §917.~~
- ~~15.1.36 Dealing in children; class E felony. 11 **Del.C.** §1100.~~
- ~~15.1.37 Endangering the welfare of a child; class E or G felony. 11 **Del.C.** §1100.~~
- ~~15.1.38 Sexual exploitation of a child; class B felony. 11 **Del.C.** §1108.~~
- ~~15.1.39 Unlawfully dealing in child pornography; class D felony. 11 **Del.C.** §1109.~~
- ~~15.1.40 Possession of child pornography; class F felony. 11 **Del.C.** §1111.~~
- ~~15.1.41 Sexual solicitation of a child; class C felony. 11 **Del.C.** §1112A.~~
- ~~15.1.42 Bribery; class E felony. 11 **Del.C.** §1201.~~
- ~~15.1.43 Receiving a bribe; class E felony. 11 **Del.C.** §1203.~~
- ~~15.1.44 Perjury in the second degree; class F felony. 11 **Del.C.** § 1222.~~
- ~~15.1.45 Perjury in the first degree; class D felony. 11 **Del.C.** §1223.~~
- ~~15.1.46 Tampering with physical evidence; class G felony. 11 **Del.C.** §1269.~~
- ~~15.1.47 Hate crimes; class G felony, class F felony, class E felony, class D felony, class C felony, class B felony, class A felony. 11 **Del.C.** §1304.~~
- ~~15.1.48 Possession of a deadly weapon during commission of a felony; class B felony. 11 **Del.C.** §1447.~~
- ~~15.1.49 Possession of a firearm during commission of a felony; class B felony. 11 **Del.C.** §1447A.~~
- ~~15.1.50 Removing a firearm from the possession of a law enforcement officer; class C felony. 11 **Del.C.** §1458.~~
- ~~15.1.51 Organized Crime and Racketeering, Class B Felony. 11 **Del.C.** §1504.~~
- ~~15.1.52 Abuse of patient or resident in nursing home; Class D felony; Class G felony; Class A felony. 16 **Del.C.** §1136(a).~~
- ~~15.1.53 Prohibited acts A; Class B felony. 16 **Del.C.** §1751.~~
- ~~15.1.54 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid Diethylamide (L.S.D.), designer drugs, or 3,4-methylenedioxymethamphetamine (MDMA); Class B felony. 16 **Del.C.** §1753A.~~
- ~~15.1.55 Knowing or reckless abuse of an infirm adult; Class D felony; Class E felony; Class G felony; Class A felony. 31 **Del.C.** §3913.~~
- 15.2 ~~Crimes substantially related to the practice of real estate brokers, salespersons and appraisers shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.~~

1.0 Introduction

- 1.1 Authority [24 **Del.C.** §2906(a)(1)]
 - 1.1.1 Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission is authorized and empowered and hereby adopts these Rules and Regulations.
 - 1.1.2 Pursuant to the Administrative Procedure Act, 29 **Del.C.** Ch. 101, the Commission reserves the right to make any amendments, modifications or additions to the Rules and Regulations that, in its discretion, are necessary or desirable.
 - 1.1.3 The Commission reserves the right to grant exceptions to the requirements of the Rules and Regulations upon a showing of good cause by the party requesting such exception, provided such exception is not inconsistent with the requirements of 24 **Del.C.** Ch. 29.
 - 1.1.4 The Commission's Rules and Regulations are available on the Division of Professional Regulation's website, www.dpr.delaware.gov.
- 1.2 Applicability

1.2.1 The Commission's Rules and Regulations are applicable to all current Licensees and to all applicants for licensure.

1.3 Broker's Responsibilities [24 Del.C. §§2902(a)(2), 2902(a)(11), 2919(d)]

1.3.1 It is the responsibility of the employing Broker to insure that his or her Licensees comply with the Commission's Rules and Regulations. Every Broker is responsible for making certain that all of his or her Salespersons and Associate Brokers are currently licensed, make timely application for license renewal, and meet the Commission's continuing education requirements. The Broker shall maintain copies of continuing education certificates for his or her Salespersons and Associate Brokers for at least three years after the conclusion of each renewal period. A Broker's failure to meet these responsibilities may result in a civil fine against the Broker of up to \$1,000.00 per violation.

1.3.2 Each office location shall be under the direction of a Broker, who shall provide complete and adequate supervision of that office. A Broker shall apply for and obtain a license in his or her name for each office and for each branch office. An application for an additional license shall state the location of the branch office and the name of the Designated On-Site Supervisor, who shall be a Delaware Licensee and who shall be in charge of managing the branch office on a full time basis. For new office applications submitted after February 3, 2012, pursuant to 29 Del.C. §2919(d), the Designated On-Site Supervisor shall be a Licensee with a minimum of five (5) years of continuous Real Estate Services experience, which shall be documented on the office application.

1.3.3 Where an unforeseen event, such as a resignation or termination from employment, death, emergency, illness, call to military service or training, or a sanction imposed by the Commission, causes or necessitates the removal of the sole licensed Broker in an office, a written request shall be submitted to the Division of Professional Regulation for substitution of another Broker for said office on a temporary basis.

1.3.4 The employment of a Designated On-Site Supervisor, sales manager, administrative manager, trainer, or other similar administrator shall not relieve the Broker of the responsibilities contained and defined in these Rules and Regulations.

1.3.5 The failure of any Licensee to comply with the provisions of 24 Del.C. Ch. 29 and the Commission's Rules and Regulations may also result in disciplinary action against his or her Broker's license.

2.0 Requirements for Obtaining a Salesperson's License [24 Del.C. §2907]

The Commission shall consider any Salesperson applicant who meets the requirements of 24 Del.C. §2907(b) and the requirements of this Rule:

2.1 Has successfully completed the accredited Salesperson pre-licensing course through an approved course provider, as set forth in the Commission's Real Estate Education Guidelines.

2.2 Has passed in no more than 3 attempts, both the general and State portions of the Salesperson real estate examination, through the approved professional testing service.

2.2.1 The testing service will provide the applicant with an original licensure application for use in making application for licensure.

2.2.2 An applicant shall retake the Salesperson pre-licensing course if the applicant is unable to pass the applicable portion(s) of the examination in 3 or less attempts.

2.3 Has submitted the licensure application within 12 months of completing the Salesperson pre-licensing course. If the application is not submitted within 12 months of completing the Salesperson pre-licensing course, the applicant shall submit proof of completion of continuing education, pro-rated pursuant to the pro-ration requirements of Rule 13.2.2.

2.3.1 The licensure application shall be complete and notarized and include the following:

2.3.1.1 A copy of the original school certificate(s) provided at course completion by the approved course provider(s).

2.3.1.2 If the applicant is currently licensed in another jurisdiction, a copy of that license and a licensure history provided by the licensing jurisdiction dated within 30 days of the application.

2.3.1.3 Written acceptance by a sponsoring Broker.

2.4 Applicants should refer to the Commission website for information on approved pre-licensing courses, course providers, fees, the professional testing service and testing application instructions. <http://dpr.delaware.gov/boards/realestate/index.shtml>.

3.0 Requirements for Obtaining an Associate Broker's License [24 Del.C. §2907]

The Commission shall consider any Associate Broker applicant who meets the requirements of 24 Del.C. §2907(c) and the requirements of this Rule:

- 3.1 Has been actively licensed in Delaware or another jurisdiction for 5 continuous years immediately preceding application.
 - 3.1.1 Licensure shall be considered continuous even where the license has been renewed late, as long as the late renewal occurs within 60 days of the expiration date.
- 3.2 Has successfully completed the accredited Broker pre-licensing course through an approved course provider as set forth in the Commission's Real Estate Education Guidelines.
 - 3.2.1 If the applicant is actively licensed as a Broker in another jurisdiction, Broker pre-licensing course hours completed in that jurisdiction may be used towards the course hour requirement.
- 3.3 Has passed in no more than 3 attempts, both the general and State portions of the Broker real estate examination through the approved professional testing service.
 - 3.3.1 The testing service will provide the applicant with an original licensure application for use in making application for licensure.
 - 3.3.2 An applicant shall retake the Broker pre-licensing course if the applicant is unable to pass the applicable portion(s) of the examination in 3 or less attempts.
- 3.4 Has submitted the application within 12 months of completing the Broker pre-licensing course. Pre-licensing courses included in Rule 3.2.1 are exempt from this 12 month requirement. If the application is not submitted within 12 months of completing the Broker pre-licensing course, the applicant shall submit proof of completion of continuing education, pro-rated pursuant to the pro-ration requirements of Rule 13.2.2.
 - 3.4.1 The licensure application shall be complete and notarized and include the following:
 - 3.4.1.1 A copy of the original school certificate(s) provided at course completion by the approved course provider(s).
 - 3.4.1.2 If the applicant is currently licensed in another jurisdiction, a copy of that license and a licensure history provided by the licensing jurisdiction dated within 30 days of the application.
 - 3.4.1.3 Written acceptance by a sponsoring Broker.
 - 3.4.1.4 The Guaranty Fund fee shall not be required if the applicant has already paid the fee when obtaining their Salesperson license.
 - 3.4.1.5 A list of at least thirty sale or lease transactions completed by the applicant in a licensed capacity within the 5 years immediately preceding application. Upon approval of the Commission, the thirty transactions may include real estate services performed for an employer, while licensed, during the 5 years immediately preceding application. If the applicant, as a designated agent or team leader, has directly supervised licensees who completed the transactions, then the transactions completed by those supervised licensees may be a part of this list. The list of transactions shall be signed by the Broker(s) who supervised the transactions.
 - 3.4.1.5.1 The list shall contain the sale or lease completion date, property address, purchaser/lessee name, seller/lessor name, specify if completed by the applicant or designated agent subordinates and be signed by the applicant.
 - 3.4.1.5.2 Time share and property management transactions are not considered as eligible sale or lease transactions.
- 3.5 Applications shall include the applicable fees as described in 24 Del.C. §2907(g) as a financial prerequisite for licensure.
- 3.6 Applicants should refer to the Commission website for information on approved pre-licensing courses, course providers, fees, the professional testing service and testing application instructions. <http://dpr.delaware.gov/boards/realestate/index.shtml>.

4.0 Requirements for Obtaining a Broker's License [24 Del.C. §2907]

The Commission shall consider the application for a Broker license provided the applicant meets all of the requirements of 24 Del.C. §2907(d), Rule 3.0, and:

- 4.1 Submits evidence that the applicant has been actively engaged in the practice of Real Estate Services, either as a licensed Salesperson or licensed Associate Broker for 3 years immediately preceding application.
- 4.2 Submits a completed Application for a Real Estate Office Permit along with the fees as set forth in 24 Del.C. §2907(g).
- 4.3 An application shall include evidence to support that the Broker applicant has complied with, and will continue to comply with, the Escrow Account provisions set forth in 24 Del.C. §2923(a) and Rule 6.0.
- 4.4 The Broker shall attest that he or she is responsible for the day to day management and supervision of the office, as set forth in 24 Del.C. §2907(d).

- 4.5 If applying to be a replacement Broker for an established real estate office, the Broker shall submit with the application a letter signed by the current Broker naming the applicant as the replacement Broker. If the replacement Broker cannot supply a letter signed by the current Broker, the replacement Broker shall submit a letter of explanation.

5.0 Requirements for Obtaining a Reciprocal License [24 Del.C. §2909]

- 5.1 Each applicant for a reciprocal license shall submit a complete and notarized application and the application fee.
- 5.2 In addition to meeting the requirements set forth in 29 Del.C. §2909(b), a Salesperson applicant who is seeking licensure pursuant to §2909(b)(1) shall provide a list of at least twenty sale or lease transactions completed by the applicant in a licensed capacity within the 3 years immediately preceding application. Upon approval of the Commission, the twenty transactions may include real estate services performed for an employer, while licensed, during the 3 years immediately preceding application. If the applicant, as a designated agent or team leader, has directly supervised licensees who completed the transactions, then the transactions completed by those supervised licensees may be a part of this list. The list of transactions shall be signed by the Broker(s) who supervised the transactions.
- 5.2.1 The list shall contain the sale or lease completion date, property address, purchaser/lessee name, seller/lessor name, specify if completed by the applicant or designated agent subordinates and be signed by the applicant.
- 5.2.2 Time share and property management transactions are not considered as eligible sale or lease transactions.
- 5.3 In addition to meeting the requirements set forth in 29 Del.C. §2909(c), an Associate Broker applicant shall provide a list of at least thirty sale or lease transactions completed by the applicant in a licensed capacity within the 5 years immediately preceding application. Upon approval of the Commission, the thirty transactions may include real estate services performed for an employer, while licensed, during the 5 years immediately preceding application. If the applicant, as a designated agent or team leader, has directly supervised licensees who completed the transactions, then the transactions completed by those supervised licensees may be a part of this list. The list of transactions shall be signed by the Broker(s) who supervised the transactions.
- 5.3.1 The list shall contain the sale or lease completion date, property address, purchaser/lessee name, seller/lessor name, specify if completed by the applicant or a designated agent subordinate and be signed by the applicant.
- 5.3.2 Time share and property management transactions are not considered as eligible sale or lease transactions.
- 5.4 In addition to meeting the requirements set forth in 29 Del.C. §2909(d), a Broker applicant shall also meet the requirements of Rules 4.3 and 5.3.

6.0 Escrow Accounts [24 Del.C. §2923]

- 6.1 When the real estate transaction is a non-recurring residential rental agreement of one hundred twenty (120) days or less, the Broker may, in accordance with written authorization from his or her principal, transfer from the escrow account a management fee and an amount specified up to a stated dollar amount for authorized repairs or cleaning expenses. Any amounts transferred in accordance with this shall be reconciled and reflected in a written full accounting.
- 6.2 Unless agreed to in writing by the parties, a Licensee shall not accept, as a good faith or earnest money deposit in connection with a real estate transaction, a photocopy, facsimile, or other copy of a personal check or draft, nor shall a Licensee accept as a good faith or earnest money deposit a check or draft that is postdated.
- 6.3 A Broker shall maintain in his or her office, or have available electronically in his or her office, a complete record of all moneys received or escrowed on real estate transactions, including the sources of the money, the date of receipt, depository, and date of deposit; and when a transaction has been completed, the final disposition of the moneys. The records shall clearly show the amount of the Broker's personal funds in escrow at all times. Such records shall be retained for at least 3 years.
- 6.4 An Escrow Account shall be opened and maintained by the Broker in a bank with an office located in Delaware in order to receive and maintain a valid license.
- 6.5 Interest accruing on money held in escrow belongs to the owner(s) of the funds unless otherwise stated in the agreement of sale or lease.

7.0 Transfer of Licensees

- 7.1 All Licensees who transfer to another office, or Brokers who open their own offices, but who were associated previously with another Broker, shall present a completed Change Form to the Commission signed by the individual Broker with whom they were formerly associated, before the license will be transferred.
- 7.2 The Commission reserves the right to waive the requirement of Rule 7.1 upon a determination of good cause.
- 7.3 All Brokers who move the physical location of their office shall notify the Commission in writing at least 30 days, or as soon as practical, prior to such move by filing a new office application.

8.0 Business Relationships and Practices [24 Del.C. Chapter 29, Subchapter II]

- 8.1 Written Listing Agreements [24 Del.C. §2930(a)]
 - 8.1.1 Listing Agreements for the sale, lease or exchange of real property, whether exclusive or open, shall be in writing and shall be signed by the seller, owner, Broker or Broker's designee.
- 8.2 Buyer Agency Agreements [24 Del.C. §2930(a)]
 - 8.2.1 Exclusive buyer agency agreements, or buyer agency agreements that obligate the buyer to pay the Broker, shall be in writing and signed by the buyer.
- 8.3 Copy of agreements
 - 8.3.1 Every party to a listing agreement, agreement of sale, written buyer agency agreement or lease shall be furnished with an executed copy of such agreement or agreements. It shall be the responsibility of the Licensee to deliver an executed copy of the agreements to the principals within a reasonable length of time after execution.
- 8.4 Advertising [24 Del.C. §§2906(a)(1), 2912(a)]
 - 8.4.1 The purpose of the advertising rules is to protect the general public and to prohibit misrepresentation and false, misleading, untrue or deceptive advertising practices by Licensees.
 - 8.4.2 "Advertise" or "advertising" shall mean a Licensee's use of Internet electronic communication, print, or other media, business cards, signs and billboards to publish information to promote a Real Estate Services provider or the sale or lease of real estate. Internet electronic communication shall include, but is not limited to, websites, social networks, e-mail, e-mail discussion groups and bulletin boards.
 - 8.4.3 A Licensee who violates the advertising rules may be in violation of one or more of the provisions set forth in 24 Del.C. §2912(a) and subject to the disciplinary sanctions set forth in 24 Del.C. §2914.
 - 8.4.4 A Licensee shall not knowingly use, publish or disseminate misrepresentations or any false, misleading, untrue or deceptive advertising in any manner.
 - 8.4.5 Disclosure
 - 8.4.5.1 Any Licensee who advertises real property personally owned or real property in which the Licensee has any ownership interest shall include in the advertisement that he or she is the owner of said property, and that he or she is a real estate licensee. This Rule does not apply to signs.
 - 8.4.5.2 Any Licensee who advertises an offer to purchase real property shall include in the advertisement that he or she is a real estate Licensee.
 - 8.4.5.3 Any Licensee who advertises any real property for sale, lease, exchange, or transfer that is listed with a Broker shall include in legible print in the advertisement the complete Brokerage Organization name that has been registered with the Commission, and Brokerage Organization phone number registered by the Broker with the Commission for that office location. Nothing contained herein shall preclude the listing of additional licensee names and/or team names or phone numbers. All such advertising shall also contain language or abbreviations that clearly identify each phone number listed; examples include, but are not limited to: "Office"; "Home"; "Res."; and "Cell".
 - 8.4.5.4 All advertisements for personal promotion of Licensees shall include the complete Brokerage Organization name that has been registered with the Commission, and office phone number registered by the Broker with the Commission for that office location.
 - 8.4.5.5 In the case of Internet electronic communication, the disclosures required in Rule 8.4.5.3 shall be included in every viewable page or message and may be made by link to a full disclosure. In addition, the disclosures shall include the city and state in which the Broker's main office is located and the Broker's jurisdiction of licensure.
 - 8.4.6 The publisher of advertising provided by a Licensee pursuant to agreement between the publisher and the licensee is not subject to discipline under these Rules.
- 8.5 Office Permits [24 Del.C. §2919]
 - 8.5.1 For each office location, the Broker shall submit an application and applicable fee. The application shall include a telephone number, and, as applicable, a fax number, e-mail address and web address.

- 8.5.2 At each office location, the Broker shall place, in a conspicuous location, a permanent sign indicating the name under which the office is registered with the Commission.
- 8.5.3 Prior to commencing business, an office located in a private home shall be approved by the Commission and have a separate entrance.
- 8.5.4 Licensees may interact by electronic means with other licensees or members of the public from places other than an approved office location.
- 8.5.5 Brokerage Organizations may share facilities approved by the Commission with other businesses, such as insurance, banking, or others that the Commission shall deem compatible.
- 8.6 Compensation and Inducements [24 Del.C. §2930]
 - 8.6.1 Licensees cannot use commissions or income received from commissions as rebates or compensation paid to or given to non-licensed persons, partnerships or corporations as inducements to do or secure business, or as a finder's fee.
 - 8.6.2 This Rule does not prohibit a Licensee from giving a rebate or discount or any other thing of value directly to the purchaser or seller of real estate.
 - 8.6.3 A Licensee has an affirmative obligation to make timely disclosure, in writing, to his or her principal of any rebate or discount that may be made to the other party.
 - 8.6.4 Licensees shall not accept compensation from more than one party to a transaction, even if permitted by law, without timely disclosure to all parties to the transaction.
 - 8.6.5 When acting as agent, a Licensee shall not accept any commission, rebate, or profit on expenditures made for his or her principal without the principal's knowledge and informed consent.
 - 8.6.6 A Licensee may pay a referral fee to a person licensed as a real estate broker in another jurisdiction.
 - 8.6.7 A licensed salesperson or broker from another jurisdiction may represent a client in a transaction involving a Delaware property if the licensee affiliates with a Delaware Licensee, provided that one of the following requirements is met:
 - 8.6.7.1 For 1-4 family residential property, all of the showings and negotiations are performed by the Delaware Licensee, with the licensee from another jurisdiction participating in discussions with the client as the client requests, in writing, with terms of compensation, if any, in writing; or
 - 8.6.7.2 For property that is not predominantly 1-4 family residential, the licensee from another jurisdiction affiliates with a Delaware Licensee and agrees, in writing, as to the responsibilities of each broker and agrees, in writing, as to the terms of compensation, if any.

9.0 Disclosure

- 9.1 A Licensee who is the owner, the prospective purchaser, lessor or lessee or who has any personal interest in a transaction, shall disclose his or her status as a Licensee to all persons with whom he or she is transacting such business, prior to the execution of any agreements and shall include on the agreement such status.
- 9.2 Any Licensee advertising real estate for sale stating in such advertisement, "If we cannot sell your home, we will buy your home", or words to that effect, shall disclose in the original listing agreement at the time he or she obtains the signature on the listing agreement, the price he will pay for the property if no sales agreement is executed during the term of the listing. Said Licensee shall have no more than sixty (60) days to purchase and settle for the subject property upon expiration of the original listing or any extension thereof.
- 9.3 A written confirmation of the agency relationship shall be included in the agreement for the real estate transaction regardless of whether the relationship is a statutory agency relationship or a common law agency relationship.
- 9.4 Consumer Information Statement ("CIS") [24 Del.C. §2938(b)]
 - 9.4.1 The Commission shall approve a CIS which will be available on its website for use by Licensees. The Commission may also approved alternative CIS's, which also will be posted on its website. Any changes to a CIS shall be approved by a quorum of the Commission.
- 9.5 Common Law Agency Relationships [24 Del.C. §2932]
 - 9.5.2 When acting as a common law agent, the disclosure as to whom the Licensee represents shall be made at the first substantive contact to each party to the negotiation or transaction. In all cases such disclosure shall be made prior to the presentation of an offer to purchase.
 - 9.5.3 A written confirmation of disclosure in the agreement shall be worded as follows:
 - 9.5.3.1 With respect to agent for seller: "This Broker, any cooperating Broker, and any Associate Broker or Salesperson working with either, are representing the seller's interest and have fiduciary responsibilities to the seller, but are obligated to treat all parties with honesty. The Broker, any cooperating Broker, and any Associate Broker or Salesperson working with either, without

breaching the fiduciary responsibilities to the seller, may, among other services, provide a potential purchaser with information about the attributes of properties and available financing, show properties, and assist in preparing an offer to purchase. The Broker, any cooperating Broker, and any Associate Broker or Salesperson working with either, also have the duty to respond accurately and honestly to a potential purchaser's questions and disclose material facts about properties, submit promptly all offers to purchase and offer properties without unlawful discrimination."

9.5.3.2 With respect to agent for buyer: "This Broker, and any Associate Broker or Salesperson working for this Broker, is representing the buyer's interests and has fiduciary responsibilities to the buyer, but is obligated to treat all parties with honesty. The Broker, and any Associate Broker or Salesperson working for the Broker, without breaching the fiduciary responsibilities to the buyer, may, among other services, provide a seller with information about the transaction. The Broker, and any Associate Broker or Salesperson working for the Broker, also has the duty to respond accurately and honestly to a seller's questions and disclose material facts about the transaction, submit promptly all offers to purchase through proper procedures, and serve without unlawful discrimination."

9.5.3.3 In the case of a transaction involving a lease in excess of 120 days, substitute the term "lessor" for the term "seller", substitute the term "lessee" for the terms "buyer" and "purchaser", and substitute the term "lease" for "purchase" as they appear above.

9.6 If a property is the subject of an agreement of sale or lease but being left on the market for backup offers, or is the subject of an agreement of sale or lease which contains a right of first refusal clause, the existence of such agreement shall be disclosed by the listing Broker to any individual who makes an appointment to see such property at the time such appointment is made.

9.7 Seller's Disclosure of Real Property Condition Report ("Condition Report") [6 Del.C. Ch. 25]

9.7.1 Licensees shall obtain a Condition Report from the seller of residential property prior to accepting a written listing agreement and shall make the Condition Report available to any buyer. The Condition Report shall be completed by the seller on the form approved by the Commission. Licensees shall provide the seller's most recent Condition Report to a buyer before the buyer enters into an agreement of sale and make the Condition Report a part of any agreement of sale.

9.7.1.1 For any residential property that is being offered for sale and which has not yet been issued a certificate of occupancy, the Condition Report approved by the Commission for New Construction shall be used in place of the standard Condition Report. If a certificate of occupancy is received by a seller prior to entering into an agreement of sale, then the Licensee shall obtain the standard Condition Report from the seller and make it available to any prospective buyer.

9.7.1.2 Exempt Property Certification. A Condition Report shall not be required from a seller of residential property if the seller meets one of the exemptions contained in the Seller's Disclosure of Real Property Condition Report and Radon Disclosure Exempt Property Certification. Licensees shall obtain a certification in lieu of the Condition Report and Radon Disclosure prior to accepting a written listing agreement and shall make the certification readily available to any prospective buyer. Licensees shall provide the certification to a buyer before the buyer enters into an agreement of sale and make the certification a part of any agreement of sale.

9.8 Radon Disclosure [6 Del.C. §2572A]

9.8.1 Licensees shall obtain a Radon Disclosure from the seller of residential property prior to accepting a written listing agreement, unless the property qualifies for exemption as outlined in 9.7.1.2, and shall make the Radon Disclosure readily available to any prospective buyer. Licensees shall provide the seller's most recent Radon Disclosure along with a copy of "Radon Rights, Risks and Remedy for the Home Buyer" to a buyer before the buyer enters into an agreement of sale and make the Radon Disclosure a part of any agreement of sale.

10.0 Open Houses [24 Del. C. §2901(a)]

10.1 For any property listed with a Broker for sale, lease or exchange, only a Licensee shall be permitted to host or staff an open house or otherwise show a listed property. That Licensee may be assisted by non-licensed persons provided a Licensee is on site. This Rule shall not prohibit a seller from showing their own house.

10.2 For new construction, subdivision, or development listed with a Broker for sale, lease or exchange, a Licensee shall always be on site when the site is open to the general public, except where a builder and/or developer has hired a non-licensed person who is under the direct supervision of said builder and/or developer for the purpose of staffing said project.

11.0 Renewal of Licenses [24 Del.C. §2910]

- 11.1 All licenses shall be renewed biennially. Licenses shall expire on April 30 of each even numbered year. A Licensee who fails to renew a license before the expiration date may renew on a late basis for a period not to exceed sixty days with submission of a late fee. The failure of the Commission to give, or the failure of the Licensee to receive, notice of the expiration date of a license shall not prevent the license from becoming invalid after its expiration date.
- 11.2 As a condition of renewal, all Licensees shall be required to satisfy the continuing education requirements set forth in Rule 14.0 and pay the renewal fee.
- 11.3 A Licensee shall not practice Real Estate Services after a license has expired.
- 11.4 License renewal shall be completed online at www.dpr.delaware.gov.

12.0 Reinstatement of Licenses [24 Del.C. §2910]

- 12.1 A license expired for more than sixty days shall be reinstated only after the Licensee pays the necessary fees and passes any examinations required by the Commission and provides proof of completion of the required continuing education. If the Licensee fails to apply for renewal within 6 months of the expiration date, the Licensee shall be required to take the state portion of the examination. If the Licensee fails to apply for renewal before the next renewal period commences (two years), the Licensee shall be required to pass both the state and the general portions of the examination.
- 12.2 No person whose license has been revoked will be considered for the issuance of a new license for a period of at least two (2) years from the date of the revocation of the license. Such person shall then fulfill the following requirements: he or she shall attend and pass the applicable real estate course for Salespersons or Brokers; take and pass the Commission's applicable examination for Salespersons or Brokers; and any other criteria established by the Commission. Nothing above shall be construed to allow anyone to take the course for the purpose of licensing until after the waiting period of two (2) years. Nothing contained herein shall require the Commission to issue a new license upon completion of the above mentioned requirements, as the Commission retains the right to deny any such application. Where a person's license has been permanently revoked by the Commission, the person is not eligible for issuance of a new license at any time.

13.0 Continuing Education [24 Del.C. §§2909(a)(7), 2910(d)]

- 13.1 Effective until the license renewal period ending April 30, 2012, Licensees shall meet the following CE requirements:
 - 13.1.1 Each Salesperson licensee shall complete three (3) hours in the salesperson's core course, three hours in legislative update relating to Delaware and Federal law, and nine (9) hours in elective credits.
 - 13.1.2 Each Broker and Associate Broker licensee shall complete six (6) hours in the broker's core course and nine (9) hours in elective credits.
- 13.2 CE hours shall be prorated in accordance with the following schedule:
 - 13.2.1 For new Licensees:
 - 13.2.1.1 No continuing education is required for fewer than six months of licensure.
 - 13.2.1.2 Six (6) hours of continuing education are required after at least six months but less than twelve months of licensure.
 - 13.2.1.3 Fifteen (15) hours of continuing education are required after twelve months of licensure, in compliance with the requirements of Rule 13.1.
 - 13.2.2 For persons who have successfully completed the pre-licensing course but who have not yet made application:
 - 13.2.2.1 Six (6) hours of continuing education are required more than twelve months but less than eighteen months after course completion.
 - 13.2.2.2 Fifteen (15) hours of continuing education are required more than eighteen months after course completion, in compliance with the requirements of Rule 13.1.
 - 13.2.2.3 For more than eighteen months after course completion, fifteen hours of CE are required for each biennial renewal period, in compliance with the requirements of Rule 13.1.
- 13.3 At the time of renewal, the Licensee shall attest to completion of the required CE. Attestation shall be completed electronically.
 - 13.3.1 The Licensee's attestation as to completion of CE does not relieve the Broker of his or her duty to ensure that the Licensee has completed the required CE during the licensure renewal period. Each Broker shall maintain copies of CE certificates for his or her Salespersons and Associate Brokers for at least three years after the conclusion of each renewal period.

- 13.3.2 Licensees selected for random audit are required to supplement the attestation with attendance verification as provided in Rule 13.3.6.
 - 13.3.3 Random audits shall be performed by the Commission to ensure compliance with the CE requirements.
 - 13.3.4 The Commission shall notify Licensees within sixty (60) days after June 30 of each biennial renewal period that they have been selected for audit.
 - 13.3.5 Licensees selected for random audit shall be required to submit verification within twenty (20) business days of receipt of notification of selection for audit.
 - 13.3.6 Verification shall include such information necessary for the Commission to assess whether the course meets the CE requirements in Rule 13.0. While course brochures may be used to verify CE hours, they are not considered to be acceptable proof for use of verification of course attendance. Verification shall include the official certificate of completion, as provided by the course provider.
 - 13.3.7 The Commission shall review all documentation submitted by Licensees pursuant to the continuing education audit. If the Commission determines that the Licensee has met the continuing education requirements, his or her license shall remain in effect. If the Commission determines that the Licensee has not met the continuing education requirements, the Licensee shall be notified and a hearing may be held pursuant to the Administrative Procedure Act. The hearing will be conducted to determine if there are any extenuating circumstances justifying noncompliance with the continuing education requirements. Unjustified noncompliance with the continuing education requirements set forth in these Rules and Regulations shall constitute a violation of 24 **Del.C.** §2912(a)(9) and the Licensee may be subject to one or more of the disciplinary sanctions set forth in 24 **Del.C.** §2914.
 - 13.3.8 Licensees who renew their licenses under the late renewal provision shall be audited for CE completion. These Licensees shall submit documents that evidence satisfactory completion of their CE requirements for the prior licensure period.
- 13.4 Definition of Acceptable Continuing Education Credits:
- 13.4.1 All CE activities shall be pre-approved by the Commission, pursuant to the Commission's Real Estate Education Guidelines.
 - 13.4.2 Activities shall be a minimum of one (1) hour and delivered in one (1) hour increments.
- 13.5 The Commission may waive or postpone all or part of the continuing education requirements of these Rules and Regulations if a Licensee submits a written request for a waiver and provides evidence to the satisfaction of the Commission of an illness, injury, financial hardship, family hardship, or other similar extenuating circumstance which precluded the Licensee's completion of the requirements. Application for waiver or postponement shall be made in writing to the Commission and shall be received by the Commission no later than 60 days prior to the biennial license renewal date.

14.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

- 14.1 If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.
- 14.2 The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.
- 14.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's designate(s).
- 14.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.

- 14.5 Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in section 15.8.
- 14.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
- 14.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
 - 14.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
 - 14.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
 - 14.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.
 - 14.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson or his/her designate or designates or to the Director of the Division of Professional Regulation or his/her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
 - 14.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
 - 14.6.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
 - 14.6.8 The participating Board's chairperson, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
 - 14.6.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
 - 14.6.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.
 - 14.6.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.
 - 14.6.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

15.0 Crimes Substantially Related to the Practice of Real Estate Services [24 Del.C. §2906(c)]

- 15.1 Conviction of any of the following crimes, or conviction of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of Real Estate Services in the State of Delaware without regard to the place of conviction:
- 15.1.1 Aggravated menacing. 11 Del.C. §602(b)
 - 15.1.2 Reckless endangering in the first degree. 11 Del.C. §604
 - 15.1.3 Abuse of a pregnant female in the second degree. 11 Del.C. §605
 - 15.1.4 Abuse of a pregnant female in the first degree. 11 Del.C. §606
 - 15.1.5 Assault in the second degree. 11 Del.C. §612
 - 15.1.6 Assault in the first degree. 11 Del.C. §613.
 - 15.1.7 Assault by abuse or neglect. 11 Del.C. §615
 - 15.1.8 Gang participation. 11 Del.C. §616
 - 15.1.9 Terroristic threatening; felony. 11 Del.C. §621(a) and (b)
 - 15.1.10 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 Del.C. §626
 - 15.1.11 Murder by abuse or neglect in the second degree; class B felony. 11 Del.C. §633
 - 15.1.12 Murder by abuse or neglect in the first degree; class A felony. 11 Del.C. §634
 - 15.1.13 Murder in the second degree; class A felony. 11 Del.C. §635
 - 15.1.14 Murder in the first degree; class A felony. 11 Del.C. §636
 - 15.1.15 Unlawful sexual contact in the third degree; class A misdemeanor. 11 Del.C. §767
 - 15.1.16 Unlawful sexual contact in the second degree; class G felony. 11 Del.C. §768
 - 15.1.17 Unlawful sexual contact in the first degree; class F felony. 11 Del.C. §769
 - 15.1.18 Rape in the fourth degree; class C felony. 11 Del.C. §770
 - 15.1.19 Rape in the third degree; class B felony. 11 Del.C. §771
 - 15.1.20 Rape in the second degree; class B felony. 11 Del.C. §772
 - 15.1.21 Rape in the first degree; class A felony. 11 Del.C. §773
 - 15.1.22 Sexual extortion. 11 Del.C. §776
 - 15.1.23 Continuous sexual abuse of a child; class B felony. 11 Del.C. §778
 - 15.1.24 Dangerous crime against a child; class B felony. 11 Del.C. §779
 - 15.1.25 Unlawful imprisonment in the first degree. 11 Del.C. §782
 - 15.1.26 Kidnapping in the second degree; class C felony. 11 Del.C. §783
 - 15.1.27 Kidnapping in the first degree; class B felony. 11 Del.C. §783A
 - 15.1.28 Arson in the third degree; class G felony. 11 Del.C. §801
 - 15.1.29 Arson in the second degree; class D felony. 11 Del.C. §802
 - 15.1.30 Arson in the first degree; class C felony. 11 Del.C. §803
 - 15.1.31 Criminal mischief. 11 Del.C. §811
 - 15.1.32 Trespassing with intent to peep or peer. 11 Del.C. §820
 - 15.1.33 Burglary in the third degree. 11 Del.C. §824
 - 15.1.34 Burglary in the second degree; class D felony. 11 Del.C. §825
 - 15.1.35 Burglary in the first degree; class C felony; class B felony. 11 Del.C. §826
 - 15.1.36 Possession of burglar's tools or instruments facilitating theft. 11 Del.C. §828
 - 15.1.37 Robbery in the second degree; class E felony. 11 Del.C. §831
 - 15.1.38 Robbery in the first degree; class B. 11 Del.C. §832
 - 15.2.39 Carjacking in the second degree. 11 Del.C. §835
 - 15.1.40 Carjacking in the first degree; class C felony; class B felony. 11 Del.C. §836
 - 15.1.41 Shoplifting; felony. 11 Del.C. §840
 - 15.1.42 Theft. 11 Del.C. §841
 - 15.1.43 Theft; lost or mislaid property; mistaken delivery. 11 Del.C. §842
 - 15.1.44 Theft; false pretense. 11 Del.C. §843
 - 15.1.45 Theft; false promise. 11 Del.C. §844
 - 15.1.46 Theft of services. 11 Del.C. §845
 - 15.1.47 Extortion; class E felony. 11 Del.C. §846
 - 15.1.48 Misapplication of property; class G felony. 11 Del.C. §848

- 15.1.49 Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices; felony. 11 Del.C. §850
- 15.1.50 Receiving stolen property. 11 Del.C. §851
- 15.1.51 Theft of rented property; class G felony. 11 Del.C. §849
- 15.1.52 Identity theft; class E felony; class D felony. 11 Del.C. §854
- 15.1.53 Forgery; class F felony; class G felony. 11 Del.C. §861
- 15.1.54 Possession of forgery devices; class G felony. 11 Del.C. §862
- 15.1.55 Falsifying business records. 11 Del.C. §871
- 15.1.56 Tampering with public records in the first degree; class E felony. 11 Del.C. §876
- 15.1.57 Offering a false instrument for filing. 11 Del.C. §877
- 15.1.58 Issuing a false certificate; class G felony. 11 Del.C. §878
- 15.1.59 Defrauding secured creditors. 11 Del.C. §891
- 15.1.60 Fraud in insolvency. 11 Del.C. §892
- 15.1.61 Interference with levied-upon property. 11 Del.C. §893
- 15.1.62 Issuing a bad check; felony. 11 Del.C. §900
- 15.1.63 Unlawful use of credit card; felony. 11 Del.C. §903
- 15.1.64 Reencoder and scanning devices. 11 Del.C. §903A
- 15.1.65 Deceptive business practices. 11 Del.C. §906
- 15.1.66 Criminal impersonation. 11 Del.C. §907
- 15.1.67 Criminal impersonation, accident related. 11 Del.C. §907A
- 15.1.68 Criminal impersonation of a police officer. 11 Del.C. §907B
- 15.1.69 Unlawfully concealing a will. 11 Del.C. §908
- 15.1.70 Securing execution of documents by deception. 11 Del.C. §909
- 15.1.71 Debt adjusting. 11 Del.C. §910
- 15.1.72 Fraudulent conveyance of public lands; class G felony. 11 Del.C. §911
- 15.1.73 Fraudulent receipt of public lands; class G felony. 11 Del.C. §912
- 15.1.74 Insurance fraud; class G felony. 11 Del.C. §913
- 15.1.75 Health care fraud. 11 Del.C. §913A
- 15.1.76 Home improvement fraud; class G felony. 11 Del.C. §916
- 15.1.77 New home construction fraud; class C felony, class F felony, class G felony. 11 Del.C. §917
- 15.1.78 Unauthorized access. 11 Del.C. §932
- 15.1.79 Theft of computer services. 11 Del.C. §933
- 15.1.80 Interruption of computer services. 11 Del.C. §934
- 15.1.81 Misuse of computer system information. 11 Del.C. §935
- 15.1.82 Destruction of computer equipment. 11 Del.C. §936
- 15.1.83 Unrequested or unauthorized electronic mail or use of network or software to cause same. 11 Del.C. §937
- 15.1.84 Failure to promptly cease electronic communication upon request. 11 Del.C. §938
- 15.1.85 Dealing in children; class E felony. 11 Del.C. §1100
- 15.1.86 Endangering the welfare of a child; class E or G felony. 11 Del.C. §1100
- 15.1.87 Sexual exploitation of a child; class B felony. 11 Del.C. §1108.
- 15.1.88 Unlawfully dealing in child pornography; class D felony. 11 Del.C. §1109
- 15.1.89 Possession of child pornography; class F felony. 11 Del.C. §1111
- 15.1.90 Sexual offenders; prohibitions from school zones. 11 Del.C. §1112
- 15.1.91 Sexual solicitation of a child; class C felony. 11 Del.C. §1112A
- 15.1.92 Bribery; class E felony. 11 Del.C. §1201
- 15.1.93 Receiving a bribe; class E felony. 11 Del.C. §1203
- 15.1.94 Giving unlawful gratuities. 11 Del.C. §1205
- 15.1.95 Receiving unlawful gratuities. 11 Del.C. §1206
- 15.1.96 Improper influence. 11 Del.C. §1207
- 15.1.97 Official misconduct. 11 Del.C. §1211
- 15.1.98 Profiteering. 11 Del.C. §1212

- 15.1.99 Perjury in the second degree; class F felony. 11 Del.C. § 1222
- 15.1.100 Perjury in the first degree; class D felony. 11 Del.C. §1223
- 15.1.101 Making a false written statement. 11 Del.C. §1233
- 15.1.102 Terroristic threatening of public officials or public servants; felony. 11 Del.C. §1240
- 15.1.103 Hindering prosecution; felony. 11 Del.C. §1244
- 15.1.104 Falsely reporting an incident; felony. 11 Del.C. §1245
- 15.1.105 Escape in the second degree. 11 Del.C. §1252
- 15.1.106 Escape after conviction. 11 Del.C. §1253
- 15.1.107 Promoting prison contraband; felony. 11 Del.C. §1256
- 15.1.108 Bribing a witness. 11 Del.C. §1261
- 15.1.109 Bribe receiving by a witness. 11 Del.C. §1262
- 15.1.110 Tampering with a witness. 11 Del.C. §1263
- 15.1.111 Interfering with child witness. 11 Del.C. §1263A
- 15.1.112 Bribing a juror. 11 Del.C. §1264
- 15.1.113 Bribe receiving by a juror. 11 Del.C. §1265
- 15.1.114 Tampering with a juror. 11 Del.C. §1266
- 15.1.115 Misconduct by a juror. 11 Del.C. §1267
- 15.1.116 Tampering with physical evidence; class G felony. 11 Del.C. §1269
- 15.1.117 Unlawful grand jury disclosure. 11 Del.C. §1273
- 15.1.118 Hate crimes; class G felony, class F felony, class E felony, class D felony, class C felony, class B felony, class A felony. 11 Del.C. §1304
- 15.1.119 Stalking; felony. 11 Del.C. §1312A
- 15.1.120 Violation of privacy; felony. 11 Del.C. §1335
- 15.1.121 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 Del.C. §1338
- 15.1.122 Carrying a concealed deadly weapon. 11 Del.C. §1442
- 15.1.123 Possessing a destructive weapon. 11 Del.C. §1444
- 15.1.124 Unlawfully dealing with a dangerous weapon; felony. 11 Del.C. §1445
- 15.1.125 Possession of a deadly weapon during commission of a felony; class B felony. 11 Del.C. §1447
- 15.1.126 Possession of a firearm during commission of a felony; class B felony. 11 Del.C. §1447A
- 15.1.127 Possession and purchase of deadly weapons by persons prohibited. 11 Del.C. §1448.
- 15.1.128 Giving a firearm to person prohibited. 11 Del.C. §1454
- 15.1.129 Engaging in a firearms transaction on behalf of another. 11 Del.C. §1455
- 15.1.130 Removing a firearm from the possession of a law enforcement officer; class C felony. 11 Del.C. §1458
- 15.1.131 Organized Crime and Racketeering, Class B Felony. 11 Del.C. §1504
- 15.1.132 Victim or Witness Intimidation 11 Del.C. §3532 and 3533
- 15.1.133 Abuse of patient or resident in nursing home; Class D felony; Class G felony; Class A felony. 16 Del.C. §1136(a)
- 15.1.134 Abuse of patient or resident in nursing home; Class D felony; Class G felony; Class A felony. 16 Del.C. §1136(a)
- 15.1.135 Financial exploitation of residents or patients; felony. 16 Del.C. §1136(b)
- 15.1.136 Drug dealing - aggravated possession; class B felony. 16 Del.C. §4752
- 15.1.137 Drug dealing - aggravated possession; class C felony. 16 Del.C. §4753
- 15.1.138 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid Diethylamide (L.S.D.), designer drugs, or 3,4-methylenedioxymethamphetamine (MDMA). 16 Del.C. §4753A
- 15.1.139 Any offense under the Uniform Controlled Substances Act, Title 16 of the Delaware Code, in violation of the aggravating factors in 16 Del.C. §4751A
- 15.1.140 Drug paraphernalia; felony. 16 Del.C. §4771 (b) and (c) [manufacture and sale, delivery to a minor]
- 15.1.141 Third or more conviction for driving a vehicle while under the influence or with a prohibited alcohol or drug content; felony. 21 Del.C. §4177(a); 21 Del.C. §4177(d)(3)-(7)
- 15.1.142 Attempt to evade or defeat tax. 30 Del.C. §571
- 15.1.143 Failure to collect or pay over tax. 30 Del.C. §572
- 15.1.144 Failure to file return, supply information or pay tax. 30 Del.C. §573

- 15.1.145 Fraud and false statements. 30 Del.C. §574
- 15.1.146 Misdemeanors [tax related]. 30 Del.C. §576
- 15.1.147 Obtaining benefit under false representation; felony. 31 Del.C. §1003
- 15.1.148 Reports, statements and documents; felony. 31 Del.C. §1004
- 15.1.149 Kickback schemes and solicitations. 31 Del.C. §1005
- 15.1.150 Conversion of payment. 31 Del.C. §1006
- 15.1.151 Violations of the Securities Act. 6 Del.C. §7322
- 15.1.152 Attempt to Intimidate. 11 Del.C. §3534
- 15.1.153 Alteration, Theft or Destruction of Will. 12 Del.C. §210
- 15.1.154 Financial exploitation of infirm adult; felony. 31 Del.C. §3913
- 15.1.155 Prohibited trade practices against infirm or elderly. 6 Del.C. §2581
- 15.1.156 Prohibition of intimidation [under the Fair Housing Act]; felony. 6 Del.C. 9
- 15.1.157 Knowing or reckless abuse of an infirm adult; Class D felony; Class E felony; Class G felony; Class A felony. 31 Del.C. §3913

15.2 Crimes substantially related to the practice of Real Estate Services shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this Rule.

4 DE Reg. 457 (9/1/00)

4 DE Reg. 846 (11/01/00)

5 DE Reg. 1387 (1/01/02)

5 DE Reg. 1070 (11/1/01)

11 DE Reg. 87 (07/01/07)

15 DE Reg. 1185 (02/01/12) (Final)