

324.237 Notice of affiliation with Kentucky cooperating broker required.

- (1) A notice of affiliation required under KRS 324.236(3)(1) shall be filed with the Kentucky cooperating broker and shall include the following:
 - (a) The name, firm name, firm address, firm telephone number, and real estate license number of the Kentucky cooperating broker;
 - (b) The name, firm name, firm address, firm telephone number, address for service of process, and current real estate license numbers and jurisdictions of licensure of both the out-of-state principal broker and out-of-state licensee;
 - (c) The effective date and a definite termination date of the corresponding cooperation agreement between the Kentucky cooperating broker and the out-of-state principal broker;
 - (d) An agreement that the out-of-state principal broker and out-of-state licensee shall:
 1. Each comply with and be subject to KRS 324.235 to 324.238, Kentucky law, and administrative regulations promulgated by the commission;
 2. Not engage in improper conduct as set out in KRS 324.160(4); and
 3. Ensure that all documentation pertaining to transactions falling within the scope of the cooperation agreement complies with Kentucky law;
 - (e) The irrevocable consent of the out-of-state principal broker and out-of-state licensee that legal actions may be commenced against them in the proper court of any county in this state in which a cause of action may arise or in which the plaintiff may reside, by the service of process on the Kentucky Secretary of State pursuant to KRS 454.210, and stipulating and agreeing that service of process on the Kentucky Secretary of State shall be taken and held in all courts to be as valid and binding as if service had been made upon the out-of-state principal broker and out-of-state licensee in this state;
 - (f) A statement that the out-of-state principal broker and out-of-state licensee are trustworthy and competent to transact business in a manner to safeguard the interests of the public, and that during the five (5) year period prior to the filing of the notice of affiliation:
 1. No state has revoked the real estate license of the out-of-state principal broker or out-of-state licensee pursuant to a disciplinary action; and
 2. Neither the out-of-state principal broker nor the out-of-state licensee has been convicted of a felony in any jurisdiction; and
 - (g) A statement that the out-of-state principal broker and out-of-state licensee each consent to any criminal records check undertaken by the commission in connection with any investigation pursuant to KRS 324.150.
- (2) A notice of affiliation shall be true and complete and shall be signed or otherwise authenticated under penalty of perjury by both the out-of-state principal broker and out-of-state licensee.

- (3) An out-of-state principal broker and out-of-state licensee may enter into cooperation agreements and notices of affiliation with respect to more than one (1) Kentucky cooperating broker.

Effective: July 15, 2008

History: Created 2008 Ky. Acts ch. 156, sec. 3, effective July 15, 2008.