

New York State Department of State
Division of Licensing Real Estate Salesperson and Brokers Overview Document

General Description

The Department of State is the oldest and perhaps most diverse Department in New York State government. Established in 1776, the agency continues to serve as the official compiler of state agency rules and regulations and publisher of information on the State Constitution, the Great Seal of New York and other official state documents. The Department of State, headed by the Secretary of State, is comprised of 20 diverse program units with over 500 employees and 14 offices across the State. Known in NYS Government as the “Keeper of Records”, the agency’s largest business units, the Division of Corporations and Division of Licensing Services, are the legal repositories for documents and data ranging from business formation, municipal laws, regulations, licenses, permits, liens, applications requiring approval, and annual reports.

In an effort to protect the health and safety of all residents, the Department of State also has several oversight and enforcement responsibilities performed by the Division of Cemeteries, Community Services, Local Government Services, State Athletic Commission, Licensing Services, Building Standards and Codes, and Internal Audit.

New York Department of State's Division of Licensing Services (DLS) oversees the licensure, registration, and regulation of 32 occupations throughout the state. Through its licensing and business filing capacities the division promotes business growth while protecting the health, safety, and welfare of all New Yorkers. DLS licenses over 800,000 individuals and businesses, among these, Real Estate Brokers and Salespersons.

Under Article 12-A of the Real Property Law anyone who, on behalf of another and for a fee, 1) negotiates a sale, exchange or rental of real property, 2) collects rent, or 3) negotiates a commercial loan secured by a mortgage must be licensed as a real estate broker

A "real estate broker" means any person, firm, limited liability company or corporation, who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate, or negotiates or offers or attempts to negotiate, a loan secured or to be secured by a mortgage, other than a residential mortgage loan, as defined in §590 of the Banking Law, or other encumbrance upon or transfer of real estate, or is engaged in the business of a tenant relocater, or who, notwithstanding any other provision of law, performs any of the above stated functions with respect to the resale of

condominium property originally sold pursuant to the provisions of the General Business Law governing real estate syndication offerings. It is the responsibility of licensees to understand the Real Estate License Law, where a more detailed definition of "real estate broker" can be found, including information about different types of brokers:

- Individual Broker
- Associate Broker
- Trade Name Broker
- Limited Partnership Broker
- Corporate Broker

Under the supervision of a licensed real estate broker, a real estate salesperson facilitates the purchase and sale of property on behalf of customers, obtains lists of property for sale with employing broker; assists buyers (customers) of real estate to locate and purchase property (listed with employing brokers or another broker). A real estate salesperson is associated with a real estate broker to list and negotiate the sale, lease, or rental of real property for others for compensation, under the direction and guidance of a responsible broker. A salesperson cannot operate independently. [It is the responsibility of licensees to understand the Real Estate License Law.](#)

Data Collection Methodology: The Real Estate Salesperson and Broker data is collected through a secure occupational licensing management system available online 24/7. This system will process Real Estate Salesperson and Broker transactions, Real Estate Salesperson and Broker exam registrations, and Real Estate Salespersons License applications, changes, and renewals. The self-serve component accepts on-line applications directly into the system. This system validates the information and will automatically process the application if it meets all of the requirements. Paper applications are also accepted through the back office and processed through the same system. Additionally, the system facilitates the integration of other Division of Licensing program areas including examinations, complaints, enforcement, and education.

Statistical and Analytic Issues:

When data is updated in the NYS Real Estate Salesperson and Broker System, it is reflected in near real time on the public search (<https://appext20.dos.ny.gov/nydos/selSearchType.do>). Only "active" licenses will be available on the Open New York site. Approximately 120 thousand individual and business licensees as well as related offices are contained on the Open New York site.

Limitations of Data Use:

Data in this dataset is informational in nature and shall not be used for any unauthorized purpose, such as relying on same for legal transactions or proceedings. Every effort has been made to ensure that the information contained in this dataset is up to date and accurate. As the

Department relies upon information provided to it, the information's completeness or accuracy cannot be guaranteed.

This dataset does not contain inactive or revoked licensees, or records for licensees whose license term has expired and have a pending application that has not yet been reviewed by the Department. It also does not include Real Estate school or course information.

Data is only accurate as of the most recent update. For the most current information and legally acceptable documentation, contact the New York State Department of State.