

CORPORATE LICENSE INSTRUCTIONS

RE 218 (Rev. 7/18)

P.O. Box 137004
Sacramento, CA 95813-7004
Telephone: (877) 373-4542

GENERAL INFORMATION

- This form discusses briefly how to license a corporation as a real estate broker and how to make changes once the corporation is licensed.
- The following forms are referenced in this instruction sheet:

Corporation License Application	RE 201
Branch Office Application	RE 203
Corporation Change Application	RE 204A
Examination & Licensing Fees	RE 206
Certification (Assignment of Supervisory Responsibility)	RE 210
Corporation Background Statement	RE 212
Salesperson Change Application	RE 214
- Business and license mailing addresses are public information and as such are posted on the Internet and available from DRE via telephone and written requests. Please consider this when identifying a license mailing address.

LICENSING A CORPORATION AS A REAL ESTATE BROKER

There are no provisions in the Business and Professions (B&P) Code which authorize a limited liability company (LLC) to become licensed as a real estate broker.

Refer to: Sections 10158, 10159, 10159.2, 10170.5 10180, and 10211 of the (B&P) Code. Sections 2740 through 2746 of the Commissioner's Regulations.

When a corporation wishes to act as a real estate broker, the firm must be licensed by the Department of Real Estate (DRE) through qualified broker-officers, who have either passed the broker license examination and are now qualified to obtain a broker license, or who are currently licensed as real estate brokers.

Note: A license as an individual broker and a license as a broker-officer are *separate entities* and the status is not transferable from one to the other. The status as a broker-officer of one corporation is not transferable to being a broker-officer of another corporation.

Fee and Applications Required

- **License Fee** — A license fee is required for *each* broker-officer to be licensed with the corporation. Refer to RE 206 for current fees.
- A **Corporation License Application** (RE 201) must be completed by the designated broker-officer applicant and each broker-officer who is to act for and on behalf of the corporation.
- **Corporation Background Statement** (RE 212) – The designated officer who obtains the original corporation license or who substitutes in as designated officer and is a new officer for an existing corporation must file an RE 212 for any director, chief executive officer, president, first level vice presidents, secretary, chief financial officer and subordinate officers with

responsibility for forming policy of the corporation and all natural persons owning or controlling more than ten percent of its shares, **only** if such a person has been subject of any of the items enumerated in the regulation. If none of the officers have been a subject of any of the items enumerated in the regulation, then an RE 212 is not needed. In all instances, the broker-officer must complete and sign the certification in Section III of RE 201.

- **Certificate of Status** — A corporation not currently licensed by this Department must include a Certificate of Status from the California Secretary of State. The certificate must be executed no more than thirty days prior to the date the application is submitted to our office. Articles of Incorporation will be accepted in lieu of the Certificate of Status provided the Articles were filed with the Secretary of State within six months preceding the date the application is submitted to DRE. If the firm is not incorporated in California, either a Certificate of Qualification or Certificate of Foreign Corporation from the California Secretary of State is required and must be executed no more than thirty days prior to the date the application is submitted to our office.
- **Fictitious Business Name (DBA)** — If the firm intends to use any name other than its own to conduct real estate business, submit a filed copy of the Fictitious Business Name Statement filed on behalf of the corporation. This document is obtained from the County Clerk's Office where the firm's principal place of business is located.
- **Branch Office** — To be licensed with a branch office complete and submit an RE 203.
- **Salespersons** — An RE 214 is required for each salesperson to be employed by the corporation.

GENERAL INFORMATION

NEW & CURRENTLY LICENSED CORPORATIONS

Assignment of Supervisory Responsibility — Section 10159.2 B&P Code permits the assignment of supervisory duties to licensed broker-officers, other than the broker-officer so designated pursuant to Section 10211 B&P, by resolution of the Board of Directors. Complete and submit an RE 210 and a copy of the resolution adopted by the Board of Directors to this Department. **Do not** submit RE 210 if the corporation has only one licensed broker-officer.

RECORD CHANGES

AFTER THE CORPORATION HAS BEEN LICENSED

Commissioner's Regulation 2746 requires corporations to file an RE 212 whenever there is an addition or a change in corporation officers or a natural person owning or controlling more than ten percent of the corporation shares, **if** such a person has been the subject of any of the items enumerated in the regulation.

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Broker-Officer Changes

- **Substitution of designated broker-officer with a new officer**
Only the designated broker-officer of a corporation may be replaced by another qualified broker during the licensed period. This may be accomplished by submitting an RE 201 from the new officer *and* either a copy of the personally signed resignation of the broker-officer leaving the firm, a copy of the Resolution of the Board bearing the corporate seal indicating this severance, *or* a signed statement providing the date of death of the currently licensed designated broker-officer. A licensed certificate will then be issued to the new broker-officer for the balance of the licensed period.

To keep the corporation continuously licensed with the Department, both the RE 201 and the resignation of the former broker-officer must be received in the same package. If all necessary documents are properly completed and in order, the effective date of the substitution on the records will be the received date of the package. If these documents are not received together, the licenses of the corporation and its branch offices will be cancelled and the working status of all salespersons will be terminated.

Note: No fee is required when the new officer is completing the balance of the license period.

- **Adding “additional” broker-officers** — Additional broker-officers may be licensed upon receipt of a completed RE 201 and the current license fee. Refer to RE 206 for current fees. Indicate on the application that the applicant is to be an “additional” broker-officer.
- **Adding a new officer to be the designated broker-officer and the current designated officer is remaining as an “additional” broker-officer** — A new broker-officer may be licensed as the designated broker-officer upon receipt of a completed RE 201, a license fee, and a personally signed statement from the current designated officer indicating that he will remain with the corporation as an “additional” broker-officer. If a new broker-officer applicant has passed the broker examination, but not applied for a license, and is substituting for a currently licensed broker officer, a license fee is required. (A fingerprint processing fee may also be required if the applicant has not held a real estate license in the previous two years.) Branch licenses will be reissued to match the term of the new “designated” broker-officer.

Note: A late fee must be submitted if an officer substitution is requested and the corporation license has expired. If an additional officer license is requested, a late fee must be submitted if the additional officer applicant does not have current valid broker license status. Refer to RE 206 for current fees.

- **Change of designated broker-officer with another currently licensed broker-officer** — Submit a completed RE 204A. No new license certificate will be issued to either broker-officer. However, if the license terms differ, new branch office licenses will be issued.

Note: The expiration date of the corporation is always the same as that of the designated officer. One license is issued for both the corporation and the designated broker-officer.

To Change a Main Office Address or Mailing Address

Submit a completed RE 204A signed by a licensed broker-officer.

To Add or Delete a Fictitious Business Name (DBA)

Submit a completed RE 204A signed by a licensed broker-officer.

Note: For additions, also submit a filed copy of the Fictitious Business Name Statement filed on behalf of the corporation in the county where the corporation main office is located.

Change of Corporation Name

Submit a completed RE 204A and the amended Articles of Incorporation or amended name statement by a foreign corporation reflecting the name change and bearing the endorsed or filed stamp of the California Secretary of State. If currently licensed with a DBA, a copy of the filed Fictitious Business Name Statement reflecting the new corporate name as registrant must be submitted.

Reactivating an Expired Corporation

To reactivate an expired corporation within the two year grace period, with a new appointed designated officer, submit a completed RE 201, Certificate of Status from the Secretary of State, and a late fee. Refer to RE 206 for current fees.

How to Cancel a Corporation

To cancel a corporation which is no longer conducting business for which a real estate license is required, submit a letter signed by *all* licensed broker-officers indicating that it is no longer conducting business. Upon cancellation of the corporate license, the working status of all salespersons licensed to the corporation will be terminated and all branch offices and DBAs will be cancelled.

Cancelling An Additional Officer

To cancel an “additional” broker-officer who is no longer conducting business on behalf of the corporation submit a personally signed letter of cancellation from the broker-officer, or a copy of the Resolution of the Board indicating the severance.

Re-Activating A Cancelled Corporation

Submit a completed RE 204A if the corporation is being reactivated by the previously licensed designated broker officer. Submit a completed RE 204A and RE 201 if the corporation is being reactivated by a *new* designated broker-officer.

eLicensing

Licensees can perform the following transactions using the *eLicensing* system at www.dre.ca.gov:

- Broker and salesperson renewals
- License certificate requests (broker, salesperson, officer and branch)
- Salesperson additions/changes of employing broker
- Broker discontinuation of salesperson employment
- Mailing address changes
- Broker main office address addition/changes
- Automated fee payment and processing

FEES AND MAILING INFORMATION

Fees — Refer to Exam & Licensing Fees (RE 206) for current fee schedule.

Acceptable payment methods — cashiers' check, money order, check or credit card.

- Make check or money order payable to:
Department of Real Estate
- Credit card payments must be submitted with a Credit Card Payment (RE 909) form.

Mail To: Department of Real Estate
P.O. Box 137004
Sacramento, CA 95813-7004

EXPEDITED PROCESSING FOR U.S. VETERANS

Honorably discharged veterans of the U.S. Armed Forces are eligible for expedited processing.

- In order to obtain expedited processing, please submit a copy of your U.S. DD Form 214, NGB-22 form, or Honorable Discharge certificate to confirm your condition of discharge, along with the application, supporting qualification documents, and fee.
- Please note that applications received to this P.O. Box from non-Honorably Discharged veterans will be processed in date received order.

Mail To — Department of Real Estate
P.O. Box 137014
Sacramento, CA 95813-7014
Attn: Expedited Military Processing

PRIVACY INFORMATION:

Section 1798.17 of the Civil Code requires this notice be provided when collecting personal or confidential information from individuals. Each individual has the right to review personal information maintained by this Agency, unless access is exempted by law.

Department of Real Estate Assistant Commissioner
1651 Exposition Blvd. Licensing & Administration
Sacramento, CA 95815 Telephone: 877-373-4542

General powers of the Commissioner, Sections 10050, 10071, and 10075 of the Business and Professions Code authorizes the maintenance of this information.

Business and Professions Code Sections 30, 31(e) and 494.5(d) require each real estate licensee to initially provide to the Department of Real Estate his or her social security number which will be furnished to the Franchise Tax Board. The Franchise Tax Board will use your number to establish identification exclusively for tax purposes. These code

sections also require that each application for a new license or renewal provides notification on the application, that the Board of Equalization and the Franchise Tax Board will share taxpayer information with the Department of Real Estate, and that failure to pay tax obligations may result in a suspension or denial of a license. The Board of Equalization and Franchise Tax Board require the Department to collect social security numbers and federal taxpayer identification numbers for the purposes of matching the names of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code. Your social security numbers and federal taxpayer identification number shall not be deemed public records and shall not be open to the public for inspection.

The Real Estate Law and the Regulations of the Commissioner require applicants to provide the Department with specific information. If all or any part of the required information is not provided, processing may be delayed. In addition, the Commissioner may suspend or revoke a

license, or in the case of a license applicant, may deny the issuance for misstatements of facts (including a failure to disclose a material fact) in an application for a license.

The information requested in this form is primarily used to furnish license status information to the Department's Enforcement Section, and to answer inquiries and give information to the public on license status, mailing and business addresses and actions taken to deny, revoke, restrict or suspend licenses for cause.

This information may be transferred to real estate licensing agencies in other states, law enforcement agencies (City Police, Sheriff's Departments, District Attorneys, Attorney General, F.B.I.), and any other regulatory agencies (i.e., Department of Business Oversight, Department of Insurance, Department of Consumer Affairs, California Bar Association).