

August 20, 1937

Mr. Wm. Alberts
Real Estate Commissioner
Phoenix, Arizona

Attention: Mr. W. P. McClenny
Acting Secretary

Dear Sir:

We have your letter dated August 18th in which you state that certain owners of mining claims are, at times, engaged by other owners of claims to interest prospective buyers, and that such persons agree between themselves to pay and receive compensation as a commission in the event a deal is made. You request our opinion as to whether persons who engage in the business of procuring prospective purchasers of mining claims should have a license to engage in the sale of real estate.

Mining claims, whether patented or unpatented, are considered "real property" in this State. It is therefore our opinion that persons who engage in the business of procuring prospective purchasers of mining claims, and who come clearly within the terms of the definition of a "real estate broker" and "real estate salesman" as contained in Sec. 2, Chapter 53, Laws of 1937, so as to leave practically no question in that regard, should have a license to engage in the sale of real estate. The definition is so clear that the Statute is a complete answer as to whether any person so engaged is a real estate broker or a real estate salesman.

Respectfully submitted,

JOE CONWAY
Attorney General

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Assistant Attorney General

E. G. FRAZIER
Special Assistant
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