

Current Issues Regarding Dual Agency and Conflicts of Interest for Real Estate Professionals

STATE	DUAL AGENCY PERMITTED	STATUTE(S)	CASE LAW	DISCLOSURE REQUIREMENTS
Alabama	Yes	Ala. Code § 34-27-82 provides: "[w]hen engaged in any real estate transaction, the licensee may act as a single agent, sub-agent, a limited consensual dual agent, or as a transaction broker." Ala. Code § 34-27-85(c) provides: "A broker may provide brokerage services as a limited consensual dual agent only with the prior written, informed consent of all clients of the broker in the transaction."	<i>Boy Shore Properties, Inc. v. Drew Corp.</i> , 565 So.2d 32,34 (1990); <i>Zanaty Realty, Inc. v. Williams</i> , 935 So.2d 1163, 1164 (2005).	An agency relationship is only created by a specific written agreement to establish an agency relationship. Ala. Code § 34-27-82(b).
Alaska	Yes	AS § 08.88.396: applies to acts occurring before January 1, 2005. Prior to this, prior written consent permitted the dual agency representation. AS § 08.88.610: A neutral licensee is one who provides specific assistance to both consumers (seller and buyer) in a real estate transaction. Before showing the property, the licensee must obtain written approval from both buyer and seller to allow the licensee to act as a neutral licensee. AS § 08.88.640: This statute addresses designated licensees: "A real estate broker may have a different designated licensee working for a seller or lessor and for the buyer or lessee in the same real estate transaction. Having a different designated licensee working for a seller or lessor and for the buyer or lessee in the same real estate transaction does not create dual agency or a conflict of interest for the real estate broker or for a licensee employed by the same real estate broker." AS § 08.88.645: This statute addresses neutral licensees. A neutral licensee does not represent either party, but provides specific assistance to both buyer and seller in a real estate transaction.		"A written consent under this section must be provided on a separate form, may not be contained in another writing, and must be entitled "Waiver of Right to be Represented" AS § 08.88.610(c).
Arizona	Yes	If a license holder acts for more than one party in a transaction without the knowledge or consent of all parties to the transaction then the Commissioner may take disciplinary action. A.R.S. § 32-2153(A)(2).		Knowledge and consent of all parties is required. A.R.S. § 32-2153(A)(2).
Arkansas	Yes	A licensee is prohibited from acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts. A.C.A. § 17-42-311 (8).		All parties for whom the licensee acts must have knowledge. A.C.A. § 17-42-311 (8).

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California	Yes		
		<p>CA. Civ. Code § 2079.14 CA. Civ. Code § 2079.15 CA. Civ. Code § 2079.16 CA. Civ. Code § 2079.17 CA. Civ. Code § 2079.21</p>	<p>Knowledge and consent to dual agency must be in writing using the form provided by CA. Civ. Code § 2079.16. A signed acknowledgement of receipt is also required.</p> <p>CA. Civ. Code § 2079.17: As soon as practicable, both the selling and listing agents must disclose to the buyer and seller whether that agent is acting as a dual agent in the real property transaction. The relationship must be confirmed in the contract to purchase and sell real property or in a separate writing.</p> <p>CA. Civ. Code § 2079.21 states that a dual agent shall not disclose the seller's willingness to sell at a price lower than the listing price, or a buyer's willingness to pay more than the offering price.</p>

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Colorado	No.	<p>C.R.S. § 12-61-806: "A broker shall not establish dual agency with any seller, landlord, buyer, or tenant."</p> <p>C.R.S. § 12-61-803(c): Dual agency is not created on behalf of the employing real estate broker, or any broker employed or engaged by the employing real estate broker, if a real estate broker designates a broker to work as a single agent for both a seller and a buyer.</p> <p>C.R.S. § 12-61-803(d): This statute permits an individual broker to work as a transaction broker for both seller and buyer in the same transaction. The applicable designated broker relationship must be disclosed in writing to both seller and buyer in a timely manner.</p>		
Connecticut	Yes	<p>C.G.S.A. § 20-325g provides that informed consent to dual agency shall be presumed if there is a signed, written consent in the form provided by the statute.</p>		<p>C.G.S.A. § 20-325d; C.G.S.A. § 20-325g: This statute provides the language for the dual agency disclosure form.</p> <p>Title 20, section 20-325d-2 of the Regulations of Connecticut State Agencies requires a real estate broker or salesperson to make a written disclosure of dual agency to all parties using the dual agency consent agreement found in C.G.S.A. § 20-325g.</p> <p>Title 20, section 20-325d-2 of the Regulations of Connecticut State Agencies requires real estate brokers representing both buyers and sellers to disclose the potential for a dual agency situation in their listing and buyer agency agreements.</p>

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Delaware	Yes	<p>24 Del. Code. § 2932 provides that when a consumer hires a broker as a common law agent, and the broker agrees to become a common law agent, then the common law of agency applies.</p> <p>24 Del. Code. § 2933 displaces the common law of agency for persons in a relationship governed by statutory agency. A licensee working for both buyer and seller is presumed to be a statutory agent representing both parties.</p> <p>24 Del. Code. § 2936 states that a licensee is a statutory agent unless specifically hired as a common law agent. 24 Del. Code. § 2936(e)(9) also permits dual agency.</p>	<p><i>Estate of Eller v. Bartron, 31 A.3d 895 (2011).</i> This case is premised on the common law of agency and does not address whether the duties of a statutory agent would lead to the same outcome as the common law. In this case, the seller waived her common law right to object to dual agency. The rule from this case is "an agent cannot accept another agency that creates tension with an earlier agency unless he informs the principal and receives the principal's consent. If an agent acts for more than one principal in a transaction, he must disclose to each principal . . . all other facts the agent knows . . . or should know would reasonably affect the principal's judgment. . . ." <i>Id.</i> At 898-99.</p>	<p>"All licensees in a common law agency relationship must disclose, in writing, whom they represent. The disclosure shall be made to all parties to a transaction . . . with whom the licensee has substantive contact . . ." 24 Del. Code. § 2932(c)</p>
District of Columbia	Yes	<p>Prior written consent to the dual agency relationship is required. The disclosure may be given in combination with other disclosures or information. D.C. Code. § 42-1703(i)(1).</p> <p>Designated representatives are also permitted. Use of designated representatives does not constitute dual agency so long as a dual representative does not represent more than one client in a particular real estate transaction. However, the principal or broker who is supervising the transaction is considered a dual representative. D.C. Code. § 42-1703(5)</p>		<p>The statute provides the language for the disclosure form. D.C. Code. § 42-1703(i)(1)(2).</p> <p>The disclosure language for the use of designated representatives can be found in D.C. Code. § 42-1703(6).</p>
Florida	No	<p>F.S.A. § 475.278 does not authorize a real estate licensee to operate as a dual agent. However, transaction broker relationships or single agent relationships are permitted.</p>		<p>The disclosure requirements are found in the statute. F.S.A. § 475.278.</p>

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Georgia	Yes	<p>"A broker may act as a dual agent only with the written consent of all clients." O.C.G.A. § 10-6A-12(a).</p> <p>It is an unfair trade practice for a licensee to act for more than one party in a transaction without the express written consent of all parties to the transaction. O.C.G.A. § 43-40-25(b)(22)</p>	<p>"An agent may perform mere ministerial acts, involving no discretion, for one of the parties to the contract, though he is agent for the other party." <i>Shaw v. Fillman</i>, 184 Ga.App. 364,365 (1987).</p>	<p>Prior express, written consent is required. The written consent requirements are found in O.C.G.A. § 10-6A-12.</p> <p>Disclosures by brokers to clients is found in O.C.G.A. § 10-6A-10.</p> <p>It is an unfair trade practice for a licensee to fail to disclose, in a timely manner, to all parties to the transaction any agency relationship the licensee may have with any of the parties. O.C.G.A. § 43-40-(b)(30).</p>
Hawaii	Yes	<p>A license may be revoked, suspended, or the licensee may be fined for acting for both parties in connection with the transaction or collecting or attempting to collect commissions or other compensation for the licensee's service from both of the parties without first having obtained written consent from both parties to do so. H.R.S. § 467-14(4)(section effective until Jan. 1, 2019).</p>		<p>The licensee must first obtain written consent from both parties. H.R.S. § 467-14.</p>
Idaho	Yes	<p>Limited dual agency and assigned agency are permitted. I.C. § 54-2088.</p> <p>"' Limited dual agent' means a brokerage that is representing both a buyer and a seller as clients in a regulated real estate transaction . . ." I.C. § 54-2083(11).</p> <p>Limited dual agency and limited dual agency with assigned agents are permissible brokerage relationships. I.C. § 54-2084(2)(c)-(d).</p> <p>"A brokerage may represent both the buyer and the seller in the same transaction only as a limited dual agent and only with the express written consent of all other clients involved in the transaction." I.C. § 54-2088(1).</p>		<p>"The express written consent to limited dual agency shall contain separate signatures of all clients involved in the transaction and shall contain the following language . . ." I.C. § 54-2088(3). This statute provides the requisite disclosure language.</p> <p>Additional disclosure requirements can be found in I.C. § 54-2085.</p>

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Illinois	Yes	"A licensee may act as a dual agent only with the informed written consent of all clients . . ." 225 ILCS 454/15-45(a).		Informed written consent is required and the statute provides the disclosure language. Consent is presumed if the parties sign the disclosure form, provided by the statute, before the brokerage agreement is entered into or at any time before dual agency occurs. 225 ILCS 454/15-45(b).
Indiana	Yes	A licensee who represents both seller and buyer in a real estate transaction is a limited agent and is required to comply with the rules regarding limited agents. I.C. § 25-34.1-10-12.5	<i>Corry v. Jahn</i> , 972 N.E.2d. 907 (2012)	Written consent is required of all parties to a real estate transaction before the licensee may act as a limited agent. The contents of the disclosure are provided in the statute. I.C. § 25-34.1-10-12.
Iowa	Yes	Prior written consent of both buyer and seller are required before a licensee can be an agent for both in a transaction. I.C.A. § 543B.58. Agency and a designated broker are not dual agents solely because of appointment, but affiliated licensees who personally represent both buyer and seller in a transaction is considered to be a disclosed dual agent. I.C.A. § 543B.59.	<i>Garren v. First Realty, Ltd.</i> , 481 N.W.2d. 335 (1992)	The written consent to multiple representation must contain a statement that the client understands the licensee's duties and consent to the licensee providing brokerage services to more than one client. I.C.A. § 543B.58; Iowa Admin. Code § 193E-12.5.

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Kansas	No	<p>"A licensee shall not act as a dual agent or in a dual capacity of agent and undisclosed principal in any transaction." K.S.A. § 58-30, 103(a).</p> <p>Brokers may be engaged as a transaction broker by oral or written agreement with the seller or buyer. A transaction broker is not an agent for either party. K.S.A. § 58-30, 103(c); K.S.A. § 58-30, 113.</p> <p>In the absence of appointed designated agents, a brokerage firm may act as a transaction broker on an in-house transaction with the informed consent of the seller and buyer clients. Designated agents are also permissible. K.S.A. § 58-30, 109.</p>	None. Dual agency is not permitted.
Kentucky	Yes	<p>If a principal broker designates a licensee to represent seller and another licensee to represent buyer, in the same transaction, only the principal broker or designated manager working under the principal broker's direction shall be deemed to be a dual agent represent both seller and buyer in a limited fiduciary capacity. K.R.S. § 324.121(2).</p> <p>"Nothing in this section shall prevent a real estate brokerage firm or licensee from entering into a dual agency relationship with consumers in a real estate transaction." K.R.S. § 324.121(4).</p> <p>Designated agents are permitted. K.R.S. § 324.121(1).</p>	The designated agent must obtain consent of the buyer and seller to the designation. K.R.S. § 324.121
Louisiana	Yes	<p>A licensee can act as a dual agent with the informed written consent of all clients. LSA-R.S. § 9:3897.</p> <p>A licensee is not a dual agent if the licensee is working with both buyer and seller, if the licensee is the seller of property he owns, or if the property is owned by a real estate business of which the licensee is the sole proprietor and agent. LSA-R.S. § 9:3897(G).</p>	Prior informed, written consent to dual agency from the parties is required. Consent is presumed to have been given if the parties sign the dual agency disclosure form included in the statute. LSA-R.S. § 9:3897. <p>"Licensees shall provide the parties to a real estate transaction with an agency disclosure informational pamphlet, and where applicable, a dual agency disclosure form . . ." LSA-R.S. § 37:1467.</p>

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Maine	Yes	<p>A real estate brokerage agency may act as a disclosed dual agent with the informed written consent of all parties. 32 M.R.S.A. § 13275.</p> <p>A real estate brokerage agency and the designated broker are not dual agents solely because of appointment, except if an affiliated licensee personally represents both seller and buyer, as clients, in a particular transaction the will be considered a dual agent. 32 M.R.S.A. § 13278.</p> <p>Transaction brokers (brokers who do not represent any party as a client to the transaction) are permitted. 32 M.R.S.A. § 13283.</p>		<p>Prior written consent of all parties is required.</p> <p>Consent is presumed to be informed if the party signs an agreement that describes the transactions, describes the adverse interests of the clients, a statement that the disclosed dual agent may disclose information from one party to the other if it is relevant to the transaction, except for information provided in the statute. 32 M.R.S.A. § 13275.</p>
Maryland	Yes	<p>"Except as otherwise provided in subsection (b) of this section, a licensed real estate broker . . . associate real estate broker, or licensed real estate salesperson may not act as a dual agent in this State. MD Code, Business Occup. & Prof., §17-530.1(a).</p> <p>A real estate broker may as a dual agent if they obtain the written informed consent of all parties to the transaction. MD Code, Business Occup. & Prof., §17-530.1(b)(1)(i).</p>	<p>A broker cannot engage in dual agency without the knowing consent of the parties to the transaction. <i>This case was in the context of commercial property. Wilkens Square, LLP v. W.C. Pinkard & Co., Inc.</i>, 189 Md.App. 256 (2009).</p>	<p>The contents of written consent for dual agency are provided in statute. MD Code, Business Occup. & Prof., §17-530.1(c).</p>
Massachusetts	Yes	<p>A real estate broker or salesperson to act as a dual agent with the informed written consent of the prospective purchasers and sellers. M.G.L.A. § 87 AAA ¾(b).</p> <p>A real estate broker or salesperson and his affiliates may act for more than one party to a real estate transaction as designated agents only with informed written consent. Informed consent is prescribed by the board. When a real estate broker or salesman appoints a designated agent for both a buyer and a seller, the broker or salesperson shall be presumed to be a dual agent. M.G.L.A. § 87 AAA ¾(c).</p>		<p>Consent to dual agency shall be obtained in the form prescribed by the board and shall be signed and dated. M.G.L.A. § 87 AAA ¾(b).</p>

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Michigan	Yes	Dual agency is permitted only with knowledge and informed consent, in writing, of both the seller and the buyer. The licensee will not be able to disclose all known information to each party in a dual agency situation. M.C.L.A. § 339.2517	Designated agency relationships are permitted. "If designated agents who are affiliated licensees represent different parties in the same real estate transaction, the broker and all supervisory brokers are considered disclosed consensual dual agents for that real estate transaction. M.C.L.A. § 339.2517(7).	Knowledge and informed consent, in writing, is required. The dual agency disclosure requirements are set forth in M.C.L.A. § 339.2517.
Minnesota	Yes	It is considered a fraudulent, deceptive, or dishonest practice to act on behalf of more than one party to a transaction without the knowledge and consent of all parties. M.S.A. § 82.81, subd. 12.	"Two designated agents who are affiliated licensees may each represent a different party in the same transaction and shall not be considered dual agents." M.C.L.A. § 339.2517(8).	The agency disclosure form is provided by statute. M.S.A. § 82.67
Mississippi	Yes	Dual agency requires the informed consent of all parties. M.S.A. § 82.67	The commission has the power to refuse, revoke, or suspend a license where the licensee performs or attempts to act for more than one party to a transaction or receives compensation from more than one party in a transaction, or both, without the knowledge of all parties for whom he acts. Miss. Code. Ann. § 73-35-21(1)(e).	All parties for whom the licensee acts must have knowledge. Miss. Code. Ann. § 73-35-21(1)(e).
Missouri	Yes	A licensee may act as a dual agent only with the consent of all parties to the transaction. M.R.S. § 339.750.	" . . . A designated broker intending to act as a dual agent shall enter into a written agreement with the seller and buyer . . . permitting the designated broker to serve as a dual agent . . ." M.R.S. § 339.780	Consent shall be presumed by a written agreement pursuant to section 339.780.
		A licensee is considered a transaction broker unless the designated broker enters into a written dual agency agreement with the parties pursuant to subsection 4 of section 339.780. M.R.S. § 339.720; see also M.R.S. § 399.755.		

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Montana	Yes	A buyer agent or seller agent who contemplates becoming or who subsequently becomes a dual agent shall disclose the potential or actual relationship to the buyer and seller and receive their (written) consent before the time or at the time the dual agency arises. MCA § 37-51-314(5).		If the buyer agent or seller agent who contemplates becoming a dual agent has not previously given the buyer or seller the initial disclosure, as provided in subsection (6), the initial disclosure must be used, but if the initial disclosure has been given, any subsequent disclosure must take the form of the disclosure provided in subsection (7). MCA § 37-51-314(5). See MCA § 37-51-314(6) for the initial disclosure form.
Nebraska	Yes	The informed consent of all parties to the transaction is required before a licensee may act as a dual agent. Dual agents are a limited agent for both the seller and buyer. Neb. Rev. St. § 76-2419.		The informed consent must be in writing. Neb. Rev. St. § 76-2422.
Nevada	Yes	A licensee acting as an agent in a real estate transaction shall disclose to each party to the real estate transaction, as soon as is practicable, except as otherwise provided in NRS § 645.253 that the licensee is acting for more than one party to the transaction. NRS § 645.252 If a real estate broker assigns different licensees affiliated with his brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent required under NRS § 645.252(d).		If the licensee makes the dual agency disclosure, the licensee must obtain the written consent of each party to the transaction for whom the licensee is acting before she may continue to act in her capacity as an agent. The written consent requirements are set forth in statute. NRS § 645.252(1)(d).
New Hampshire	Yes	A licensee may act as a disclosed dual agent only with the written consent of all parties to the anticipated transaction at the time in which a dual agency relationship occurs, but no later than the preparation of a written offer for sale or lease. The duties of a disclosed dual agent are also in this statute. N.H. Rev. Stat. § 331-A:25-d.		Written consent of all parties to the anticipated transaction is required. N.H. Rev. Stat. § 331-A:25-d.

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New Jersey	None	None	<i>Conley v. Guerra</i> , 228 N.J. 339 (2017). This case addresses an issue with an attorney-review provision, but this case does mention that a real estate agent acted as a dual agent for the buyer and seller of a condominium.	
New Mexico	Yes	<p>Brokerages may work with consumers as customers or clients through a dual agency or transaction broker relationship. 16.61.19.9.</p> <p>A dual agent shall act as a facilitator rather than as an exclusive agent of either party to the transaction. 16.61.19.10.</p> <p>**The above rules are provided by the New Mexico Real Estate Commission: http://www.rld.state.nm.us/uploads/files/00%202018-2019%20Rule%20Book%20FINAL%20Based%20on%20Changes%20Effective%20Jan%201%202018%20(4).pdf</p>		There must be an express written dual agency agreement. 16.61.19.9.
New York	Yes	<p>Dual agency is permitted with written informed consent. NY Real Prop. Law § 433.</p> <p>Designated sales agents are permitted. A designated sales agent is a real estate salesman or associate broker working under the supervision of a real estate broker, who has been assigned to represent a client when a different client is also represented by such real estate broker in the same transaction. NY Real Prop. Law § 433.</p>		The form of the written informed consent is provided in statute. NY Real Prop. Law § 433.
North Carolina	Yes	The commission may suspend or revoke a license if the licensee acts for more than one party in a transaction without the knowledge of all parties for whom he or she acts. NC Gen. Statutes § 93A-6(4).		All parties for whom the licensee acts must have knowledge.
North Dakota	Yes	<p>Dual agency is permitted. NDCC § 43-23-06.1(6).</p> <p>A real estate brokerage firm may enter into a dual agency relationship with its clients after complying with any disclosure requirements provided by this chapter. NDCC § 43-23-12.3.</p> <p>If a real estate brokerage firm appoints an appointed agent for clients of the agency who are, or may be, parties in the same real estate transaction, the brokerage firm and its licensees are not dual agents as to those clients. . . . NDCC § 43-23-12.3</p>		Both the seller and buyer in a real estate transaction must have written agency agreements with the same real estate brokerage firm. A subagency arrangement is not a written agency agreement. NDCC § 43-23-06.1(6).

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Ohio	Yes	<p>A licensee may establish a dual agency relationship between the licensee and both the seller and purchaser. R. C. § 4735.53(A)(3).</p> <p>Dual agency in the context of brokerage and management level licensees is addressed under R. C. § 4735.72.</p> <p>No salesperson or broker shall participate in a dual agency relationship in which the licensee is a party to the transaction. R. C. § 4735.71(C).</p> <p>Other relevant statutes include R. C. §§ 4735.54; 4735.55; 4735.56; 4735.70</p>		<p>Both the seller and buyer in the transaction must have full knowledge of the dual representation and consent in writing to the dual representation on the agency disclosure statement described under § 4735.57 of the Revised Code.</p>
Oklahoma		<p>A broker may provide brokerage services to one or both parties in a transaction. The broker shall disclose in writing the broker's duties and responsibilities prior to the parties signing a contract to sell or purchase real estate. § 858-355.1(B)-(C).</p> <p>A firm providing brokerage services to both parties in a transaction must provide written notice to both parties that the firm is serving both parties to the transaction prior to the parties signing a contract to purchase or exchange real estate. § 858-355.1(D).</p> <p>The above rules are from the Oklahoma Real Estate License Code and Rules: https://www.ok.gov/OREC/documents/License%20Code%20and%20Rule%20Book%20November%201%2C%202017.pdf</p>		<p>The written disclosure required by §858-355.1(C) shall be confirmed by each party in writing in a separate provision, incorporated in or attached to the contract to purchase. §858-356.</p>

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Oregon	Yes	A real estate licensee may represent both the seller and buyer in a real estate transaction under a disclosed limited agency agreement, with full disclosure of the relationship under the agreement. ORS § 696.815(1).		A disclosed limited agency agreement with full disclosure of the relationship under the agreement is required. ORS § 696.815(1).
Pennsylvania	Yes	A licensee may only act as a dual agent with the written consent of both parties to the transaction following the disclosures given at the initial interview required by section 608. 63 P.S. § 455.606d(a).		Written consent of both parties is required and consent must include a statement of the terms of compensation. 63 P.S. § 455.606d(a).
Rhode Island	Yes, as a dual facilitator	In an agency relationship with a principal, the broker may, with the written consent of the principal, designate one or more licensees employed by the broker to serve as the designated agent of the principal . . . A broker who represents both the seller and the buyer in the same transaction is a dual agent. Dual agency is permitted only as provided in section 455.606d. 63 P.S. § 455.606e. Gen. Laws § 5-20.6-6(a) allows a licensee to assist both the buyer and seller in the same transaction only as a neutral dual facilitator.		The informed, written consent of the principal broker and all parties involved in the transaction. The written consent requirements are set forth in statute. Gen. Laws § 5-20.6-6(c)

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South Carolina	Yes	<p>A real estate brokerage firm may establish a disclosed dual agency, designated agency, or transaction brokerage relationship. Code 1976 § 40-57-350.</p> <p>Code 1976 §40-57-350(j) addresses dual agency in the context of a broker-in-charge.</p> <p>If a broker-in-charge appoints different associated licensees as designated agents in accordance with subsection (j)(1), the broker-in-charge, all remaining affiliated licensees, and the real estate brokerage firm must be considered to be dual agents. Code 1976 §40-57-350(j)(1)(8).</p> <p>A real estate brokerage firm may offer transaction brokerage to potential buyers and sellers. Code 1976 §40-57-350(l)(1)-(2).</p>		<p>Prior informed and written consent of all parties is required for a real estate brokerage firm to act as a disclosed dual agent. Consent is presumed to be informed if a party signs a completed copy of the dual agency agreement. At the latest, the form must be signed by the buyer before writing an offer and by the seller before signing the sales contract. The requirements for the dual agency consent agreement are set forth in statute. § 40-57-350(l).</p> <p>§40-57-370 addresses duty of licensees to provide disclosure of brokerage relationships.</p>
South Dakota	Yes	<p>A limited agent is any licensee with a written agency relationship with both the seller and buyer in the same in-company transaction. SDCL § 36-21A-1(13).</p> <p>A transaction broker assists one or more parties with a real estate transaction without being an agent for any party to the transaction. SDCL § 36-21A-1(22).</p> <p>A responsible broker is not a limited agent solely because the broker makes an appointment. However, any licensee who personally represents both seller and buyer in a transaction is a limited agent. SDCL § 36-21A-141.1</p>		<p>A licensee acting as a limited agent must have informed written consent of all parties. SDCL § 36-21A-140.</p> <p>An agency agreement is a written agreement between a broker and a client which creates a fiduciary relationship between the broker and client. SDCL § 36-21A-1(2).</p>

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Tennessee	No	Dual agency is not specifically discussed. If a real estate licensee is engaged as an agent, the licensee serves as a limited agent and shall function as an intermediary in negotiations between the parties to a transaction unless the parties negotiate directly. T.C.A. § 62-13-402(a).		A specific written agreement to establish an agency relationship with one or more parties to a transaction is required. T.C.A. § 62-13-401.
Texas	Yes	The commission may suspend or revoke a license, or take other disciplinary action, if the license holder, while engaged in real estate brokerage fails to make clear to all parties to a transaction the party for whom the license holder is acting. TX Occupations Code, § 1101.652 A broker may act as an intermediary between parties to a real estate transaction if the broker obtains written consent from each party and the written consent of the parties states the source of any expected compensation to the broker. TX Occupations Code, § 1101.559.		T.C.A. § 62-13-405 addresses verbal disclosure and written confirmation. TX Occupations Code, § 1101.559.
Utah	Yes	It is unlawful for a person licensed under this chapter to act for more than one party in a transaction without the informed consent of the parties. U.C.A. § 61-2f-401.		Informed consent of all parties is required. U.C.A. § 61-2f-401.
Vermont	Yes	The licensee must fully disclose to buyer the existence of an agency relationship between the licensee and the seller. V.S.A. § 2296.		Full disclosure to buyer of the existence of an agency relationship between the licensee and the seller. V.S.A. § 2296(10).

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Virginia	Yes	Dual agency is permitted. VA Code. Ann. § 54.1-2139 (A). Limited service agents in a residential real estate transaction are also permitted. A limited service agent shall disclose dual agency in accordance with VA Code. Ann. § 54.1-2139. VA Code. Ann. § 54.1-2138.1		Written consent of all parties to the transaction and written disclosure of the consequences of such dual agency or dual representation are required. The disclosure must be in writing and given to both parties prior to the commencement of the dual agency or dual representation. VA Code. Ann. § 54.1-2139 (A). The dual agency disclosure requirements are in statute. VA Code. Ann. § 54.1-2139(H).
Washington	Yes	A broker may act as a dual agent. RCW § 18.86.060. RCW §18.86.020 also addresses dual agency in the context of different brokers affiliated with the same firm or when the broker's firm has appointed a broker.		Written consent of both parties to the transaction is required. The consent must include a statement of the terms of compensation. RCW § 18.86.060.
West Virginia	Yes	Every licensee shall disclose in writing, on the notice of agency relationship form promulgated by the commission, whether the licensee represents the seller, buyer, or both. W.VA.Code. § 30-40-26(d). W.VA. Code § 30-40-19(7) provides that the commission has the power to refuse, revoke, or suspend a license if the licensee acts for more than one party in a transaction without the knowledge and written consent of all parties for whom the licensee acts.		The dual agency relationship must be disclosed in writing on the agency relationship form provided by the commission. Disclosure must be made prior to any person signing any contract for representation by the licensee or a contract for the sale or purchase of real estate. W.VA.Code. § 30-40-26(d).

Current Issues Regarding Dual Agency and Conflicts of Interest for Real Estate Professionals

Wisconsin	Yes	Multiple representation is permitted. A firm and any licensees associated with the firm may not provide services in a multiple representation relationship unless all of the firm's clients in said relationship have consented to a multiple representation relationship in writing. W.S.A. § 452.134(2).	All of the firm's clients in the multiple representation relationship must consent to the relationship in writing. W.S.A. § 452.134(2).
Wyoming	No	<p>A licensee shall not establish dual agency with any seller or buyer. W.S. § 33-28-302(o).</p> <p>A licensee may work as an agent for the seller treating the buyer as a customer or as an agent for the buyer treating the seller as a customer but not as an agent for both the seller and the buyer. A licensee may be designated to work as an intermediary for both the seller and the buyer in the same transaction pursuant to W.S. § 33-28-307.</p>	<p>When engaged in any real estate activity, a licensee may act as an agent only pursuant to a written agreement with the seller or buyer which discloses the duties and responsibilities set forth in W.S. § 33-28-303 or 33-28-304. W.S. § 33-28-302.</p>