

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF STATE
DEPUTY SECRETARY FOR EXAMINING BOARDS
SAN JUAN, PUERTO RICO

CANDIDATE MANUAL
BOARD OF BROKERS, SALESPERSONS
AND REAL ESTATE BUSINESSES



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DEPUTY SECRETARY FOR EXAMINING BOARDS

The Deputy Secretary for Examining Boards has the primary purpose of protecting the consumer, since the practice of a profession or job is not considered a natural right but a privilege. The state in the exercise of power it has for the benefit of the community regulates the practice of a profession or job in a reasonable manner and establishes criteria to preserve and protect public interest. The practice of the examining boards subscribed to the Department of State of the Commonwealth of Puerto Rico impacts all our community lives.

The Deputy Secretary for Examining Boards performs administrative functions such as: administrative hearings, meetings, examinations, licenses, renewals, certifications; as well as, custody of files, archives and registers of all the boards. It is also reasonable to provide secretarial, legal and operational support to each board.

Likewise, the Deputy Secretary for Examining Boards has the responsibility of notifying the citizens about matters regarding the boards; for example, examination administration. For this it publishes summons in the main newspapers of the country indicating: the date of exams; deadline for application, requirements and fees.

The examining boards are created through laws and its members are appointed by the Governor of the Commonwealth of Puerto Rico, with the advise and consent of the Senate.

For more information about examining boards or to pick up forms for the exams you can visit our web site www.estado.gobierno.pr or any of the Centros Únicos Services located at the following addresses:

Centro Único Services- Old San Juan

Edificio Diputación Provincial, 1st floor
San Francisco St. San José Corner, Old San Juan
Hours: 8:00 am to 3:30 pm, Monday to Friday, Tel. (787) 722-2121 Ext. 6260

Centro Único Services- Plaza Las Américas

Third Floor Plza Las Américas, Local 614
Hours: 8:30 am to 3:00 pm, Tuesday to Saturday, Tel. (787) 250-7370

Centro Único Services- Arecibo

Antonio R. Barceló St. #163,
Arecibo Executive Mall Building, 1st floor, Suite 101
Hours: 8:30 am to 3:00 pm, Tuesday to Saturday Tel. (787) 815-0405

Centro Único Services-Ponce

Ponce Mall, Suite 153
Hours: 8:30 am to 3:00 pm, Tuesday to Saturday, Tel. (787) 812-4872

Centro Único Services-Fajardo

Jorge Bird St. #10
Hours: 8:30 am to 3:00 pm, Tuesday to Saturday, Tel. (787) 863-1022

All documents for the examination are filed at the following address:

Test Innovations, Inc.
623 Ave. Ponce de León, suite 12-A
San Juan, Puerto Rico 00917
www.testinnovations.com
Te. (787) 767-7752

CANDIDATE MANUAL

LEGAL GROUND

Act No. 107 of April 10, 2003, known as “Administration Act of Bar Examinations of Commonwealth of Puerto Rico”. Act No. 10 of April 26, 1994, as amended, known as “Act to regulate Real Estate Business and the profession of Brokers, Salesperson and Real Estate Enterprises of Puerto Rico”.

PURPOSE

This manual’s primary purpose is to inform about the bar examination, in a manner that the applicant receives orientation about its content and nature of the same; to allow it to prepare adequately with the bar examination procedure before presenting itself to the same. The manual includes among other matters: rules of conduct which regulate during the administration of the bar examination; type of exam, method of evaluating the same.

BAR EXAMINATION

Purpose of the Examination

The purpose of the bar examination is to determine if the candidates possess the skills and basic knowledge necessary (minimal competition requirements) for the practice of a profession or job. A bar exam does not measure academic excellence; it does however evaluate the capacity of the examinee to manage theories, methods and analysis techniques among others.

The Board shall offer through regulation everything concerning the content of the exams, general average necessary to pass the same, the repetition of the exams in cases an applicant fails and any other pertinent fact regarding the same.

Test design and question editing

In the preparation of bar examination a rigorous procedure is followed to insure that the same is reliable and valid. The exam also includes questions which result adequate from previous years.

The bar examination is developed by Boards in agreement with the Enabling Act which describes and gives authority for the practice regulated by the Brokers, Salesperson and Real Estate Business . The members shall take into consideration the difficulty of the questions and the relevance of these in the actual practice of the profession. These questions are edited and entered into a questions bank from which the exam is developed and different forms of the exam if needed.

The exam contains 50 to 100 questions divided between four content areas and is multiple choice. There is only one correct answer for each question. The applicant must choose the BEST answer for each question.

The exams may include written summary questions, multiple choice and execution. The board determines in accordance with scientific regulations the proportion, the number and difficulty the questions must have. The boards determine, in addition to, the period of time needed to answer each part of the bar examination. For this task the boards may use consultants in measuring, psychometric and administration matters.

Examination Publication

The Board holds the required exams required by enabling Act. The summons for this exams are published in two (2) general newspapers in Puerto Rico with a minimum of two (2) months in advance of the date in which the exams are offered. This summons establishes the deadline to present the corresponding application.

Passing Grade

The general average needed to pass the exam is a minimum of 70% in general.

Exam Application

A qualified person interested in obtaining a Brokers or Sales Real Estate license must present a complete exam application duly completed in all its parts during the appointed summons period and submit the documents requested if any.

Said application must be submitted as detailed in the announcement published in the newspaper. **It will not accept any applications received after the deadline.**

Request for reasonable accommodation

The Department of State adopted and promoted on May 22, 2000, the Regulation for *Evaluation of Reasonable Accommodation Request for the Bar Exams*, Regulation No. 6463. The preparation for the application must comply with the requirements and documents required by the Regulation so that the request for reasonable accommodation is considered.

Administration of the Exam

To take the bar exam, every candidate must present itself with the exam notice sent by the Board or designated company by it and present an id photo. The exams shall be offered in computer.

The exams offered by the Board shall be in the English or Spanish language when so requested. The candidates may use simple calculators to perform calculations if they so wish. Nevertheless, **there will NOT be allowed any programmable calculator (with memory) in the exam room.**

The candidates shall be in the exam area at the hour set in the summon.

Throughout the exam there shall be present authorized officers who will be in charge of the administering and supervising the exam.

Rules of Conduct

During the administration of the exam the following rules shall be followed:

1. Once the exam has started, none of the candidates may leave the room without authorization from the examiner. Any candidate who violates the discipline shall lose the privilege of taking the exam.
2. Family, children and other person accompanying the applicant cannot remain in the examination room.
3. Applicants who arrive 15 minutes after the exam has started will **NOT** be allowed in the examination room.
4. Cell phone, PDAs, radios, beepers or any other type of transmission of data equipment will not be allowed in the examination room.
5. Applicants must maintain appropriate conduct. Examples of inappropriate conduct include: copying or trying to copy other applicants, allow someone also to copy from it, using materials or information not authorized in the examination room, among others.
6. Food or beverages are not allowed in the examination room.
7. Questions the applicants have about the content of the exam will not be answered. Only questions about mechanical or administrative aspects of the same shall be answered.

8. Books, documents, notes or reference materials of any kind will not be allowed.
9. Once the exam is finished, only authorized officers are allowed to remain inside the exam room.

Any person who does **NOT** comply with the rules of conduct during the exam may be suspended from the same.

Recommendations for taking the Exam

1. Arrive early.
2. Pay attention to the instructions offered by the examinees. If you do not understand some aspect of the same, ask and clear any doubts.
3. Plan your time well. Anticipate how many questions you can answer each half hour.
4. Read each question carefully. Make sure you understand before answering them.
5. Each question only has one correct answer. Do not select more than one alternative per question.
6. You will not be penalized for leaving any questions blank. Mark the answer you consider to be correct.
7. Do not spend too much time in one question.

Exam results

After correcting the exams, members of the Board shall evaluate and let the results be known own to the examinees of possible within the next sixty (60) days from the approval of the results or according to what its established by regulation. The examinee shall request the revision of its exam within the next thirty (30) days of having been notified of its grade. It shall accompany its written request with the corresponding rights, which may not be more than half of the fee of taking the test again.

Procedure of Revision

Every person has the right to review its exam in the presence of an officer or member of the Board or an authorized officer by the Department of State, during working hours and through written request and previous date. The request shall be made within the next thirty (30) days, after the notification of the exam.

The revisions received by the Board shall be studied by it, in ordinary session, no more than (90) days after the date received by the Board the revision request. The decision taken by the Board shall be notified to the applicant.

If the same has been denied, a written notification shall be sent which explains the reason for which the request has been denied.

In the case of multiple choice answers, it is understood that because they are part of a bank of questions which may be used again, it will not be shown to the applicants, and only a numeric relation to the questions shall be handed, the correct answers, the applicants answers and its grade, with the purpose of verifying if their answers were corrected correctly. The total cost of requesting the revision for an exam may not be more than half of the fee of taking the exam again.

Reexamination

The candidates that did not obtain the minimum grade on the exam may be reexamined in the next summon for the exam. They shall send a request for reexamination and payment evidence for the amount established by the regulation.

Absence to the Exam

The right to pay for the exam or reexamination shall not be transferred to another exam date, except when the applicant notifies in writing the Board the cause or causes it may cause in its absence, with no less than fifteen (15) days of anticipation of the exam. Said request shall be sworn before the notary and be evaluated by the Deputy Clerk. It will inform by mail the decision about its request.

Abandoning the Exam for Illness

The causes which regulate the cases in which the applicants have to abandon the exam for illness are:

1. Unconsciousness
2. Amnesia
3. Extreme headaches in a person suffering from hypertension.
4. Chest pain, especially accompanied by:
 - a. Cold sweat.
 - b. Pain.
 - c. Nausea or upset stomach.
 - d. History of cardiovascular problems.
 - e. Respiratory difficulty.
5. Fractures with or without ruptures.
6. Hemorrhage.
7. Severe trauma.
8. Diabetes (changes in blood sugar levels).

It may request that the exam may not be counted, accompanying the request with a medical certification which includes information to these effects.

Procedures to be Followed in Emergency Situations

An emergency situation is considered when it threatens the life and property of the applicants and the place where the exam is administered. Example: earthquakes, fire and any other which follows a greater force or produced by man. In these cases, the candidate must insure the exam, in the measure possible and follow the instructions of the officers who administer the exam. They indicate the emergency exits which must be used and any other institution that may be, for reasons of what happened pertinent. For all lesser emergency situations there shall be a small first aid kit as well as medical personnel available.

When an emergency takes place, you must follow the following procedures:

A. In case of an earthquake:

1. Remain calm and evaluate the situation.
2. Watch people around you.
3. Insure the exam and find refuge under a desk, table or other sturdy furniture.
4. Get on your knees, cover your head and face.
5. Avoid getting close to the walls, windows, shelves, stairs and big rooms.
6. Do not use elevators.
7. Except the area which does not offer protection and start to fall apart, do not abandon the area until the shakes cease.

After the emergency:

1. In the measure possible, hand in the exam to the exam inspector.
2. Report to the floor coordinators if there is a person trapped under debris.
3. Do not use telephone, do not light matches or cigarettes.

B. In case of fire:

1. Remain calm and evaluate the situation.
2. Identify the emergency exits.
3. Evacuate the structure in an orderly fashion.
4. In the measure possible hand the exam to the proctor while evacuating the place.
5. Watch people around you.
6. Do not use the elevators.
7. In case the fire emergency ceases and if continuing the exam it shall proceed again with the identification of the applicant and entrance to the local.
8. If it cannot continue with the exam administration, it shall notify in writing the new date and place of exam.

BOARD OF BROKERS, SALESPERSON AND REAL ESTATE ENTERPRISES

The Brokers, Salesperson and Real Estate Brokers of Puerto Rico is an organism constituted within governmental structure of the Commonwealth of Puerto Rico; with the purpose of insuring that the persons granted the license to practice the Brokers, Salesperson and Real Estate Business Board of Puerto Rico have the knowledge and skills which make it easier the same with a high sense of professionalism and professional capacity. To such effects, the Board of Brokers, Salesperson and Real Estate Business of Puerto Rico:

1. Evaluate the required documents of the candidates which require license in accordance to Act No. 10 of April 26, 1994, as amended.
2. Offer and evaluate exams to corroborate the basic capacity of each applicant.

3. Grant licenses to practice the Broker, Salesperson and Real Estate Business profession to eligible candidates and have registry of the same.
4. Take the necessary legal measures on violating these acts.
5. Corroborate that the license Broker, Salesperson and Real Estate Business meet the law requirements, including the Continuous Education program at the moment of renewing the license.

The Board is comprised of five members appointed by the Governor with the council and consent of the Senate.

REAL ESTATE BROKER

Is any professional who possesses a license to exercise the Real Estate Broker profession issued by the Board, act as intermediary, through payment or promissory note of any mutual compensation and previously convened among the parties who agree to carry out in Puerto Rico a purchase and sale transaction, promise of sale, option to buy or sale, exchange, leasing, auction, property administration, or in offering, promotion or negotiation of sales terms, option of purchase and sale, promise to sell, lease, administration, exchange real estate in or out of Puerto Rico.

Providing however, that it will not be considered to practice the real estate broker profession for purpose of the law, any type of transaction regarding the purchase, sale, lease, exchange, auction or administration of a real estate property in which the proprietor of said property and acts on its own benefit and not as intermediary between two clients.

REAL ESTATE SALESPERSON

Is the professional who possesses a license to practice the real estate salesperson profession issued by the Board, whether employed, or hired as an independent contractor, directly or indirectly, through compensation payment, by a real estate broker under its direction, control, supervision and responsibility, carries out any authorized activity by law to a real estate broker, providing that the real estate salesperson shall be obligated to maintain the Board informed at all times about work place, to meet the requirements of the law.

BAR EXAMINATION AREAS

The areas for the bar examination of Real Estate Brokers and Salesperson of Puerto Rico established by the Board of Brokers, Salesperson, and Real Estate Enterprises are the following:

Examination Areas
1. Legal Aspects, Notary Act, DACO
2. Financing, Contributions and Subsidies
3. Property Registry, Appraisal and Horizontal Property Act
4. Zoning, Contracts and Special Contracts.

EXAM AND REEXAMINATION

The Board of Brokers, Salesperson and Real Estate Enterprises of Puerto Rico is authorized to grant bar exams to all candidates after it is certified:

1. Must be eighteen (18) years old.
2. Has taken and approved a course in Real Estate, of sixty (60) hours to sale and ninety (90) hours for Broker in an Institution whose curriculum has been approved by the Board.
3. Fulfill the petition in all its items.
4. Make a certified check or money order of \$53.50 (\$50.00) for the exam plus \$3.50 for taxes to Test Innovations.

LICENSES AND REQUIREMENTS

The Board of Brokers, Salesperson and Real Estate Enterprises of Puerto Rico is authorized to grant licenses with four (4) years in effect to all applicants that after:

1. Must be eighteen (18) years old.
2. Has taken and approved a course in Real Estate, of sixty (60) hours to sale and ninety (90) hours for Broker in an Institution whose curriculum has been approved by the Board.
3. Be a resident of Puerto Rico.
4. Has passed the exam provided by the Board.
5. Four (4) photographs 2x2", recently taken.
6. Certificate of penal records, recently issued (six months of duration).
7. Certificate of child support from the Department of Family (ASUME).
8. Certificate of approved courses in accordance to the requirements for the license abovementioned (Brokers or Salesperson).
9. Manila envelope pre addressed with mail stamps (8 ½ x 11").
10. High School Diploma or its equivalent. (Salesperson only).
11. University Diploma or Credit Transcript to evidence sixty (60) credits approved (brokers only).

12. Original Bond in the amount of ten thousand dollars (\$10,000) for four (4) years in effect of its license in the official original format (**DJE-2000**), notarized and signed in front of you and the insurance company, in the back of the central by you before a public notary.

13. The certificate of total payment for bond by the insurance company (letter or payment receipt).

14. Certified letter from the broker of real estate business for which it works authorizing the use of special account, including the license number of the broker or business, name of the Bank and account number. As well as a letter from the bank with the account information of the authorizing Broker indicating the account to be used is not a checking account and it does not generate interests. (If applicable) (Brokers and Salespersons).

15. Complete the Certification form of special account is not personal. (If applicable) (Only brokers who use other Brokers or Real Estate Business accounts).

16. Complete the certification form of personal special account certifying the use of said account. (Only Brokers).

17. Certification from the bank where I has a bank account. (Each broker has its own special account and it is not savings account or generates interests). (Only brokers).

18. An Internal Revenue receipt (yellow copy) distributed in the following manner:

Amount of Income or account		1310	Total
License		\$200.00	\$200.00

Remark: The students graduated in foreign schools must bring a revalidation note issued by the Department of Education of Puerto Rico, and the graduates from foreign universities request revalidation at:

**World Education Services
PO Box 745, Old Chelsea Station,
New York 10113-0745
Attention: Richard Kearney
Tel. (212) 966-6311, Fax: (212) 966-6395**

Remark: Incomplete application will not be processed. Pursuant to regulation and Act No. 170 of August 12, 1988, as amended, every incomplete application shall be returned and the date of the official presentation shall be the one when the documents counted are complete.

MODEL FORMAT OF QUESTIONS IN THE EXAM

1. The bar examination for Real Estate Brokers consists of:
 - a. Two (2) tests of multiple choice.
 - b. One (1) test of multiple choice.
 - c. Two (2) written test.
 - d. One (1) written test and one (1) interview.

2. In accordance to Act 10 of April 26, 1994, as amended, a real estate salespersons is a person who:
 - a. holds a position which requires planning.
 - b. is qualified with valid license.
 - c. graduated with a Masters' Degree.
 - d. Possesses knowledge and skills of Law.

3. Who appoints the members of the Board of Salesperson and Brokers of Real Estate?
 - a. The Senate of Puerto Rico.
 - b. The President of the University of Puerto Rico.
 - c. The President of the Association of Planners.
 - d. The Governor of Puerto Rico.

Correct answers: 1. b) 2. b) 3. d)

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¹ * The use of the term "Brokers, Salespersons and Real Estate Enterprise", and on some occasions, "applicants", "officers", "candidates", "examinee", "professors" and "consulters" refers to both genders. These terms are used to facilitate the manual reading. Under no concept is the intention to use a sexist language or discriminatory manner.