Robert M. Reel,
Executive Secretary,
Indiana Real Estate Commission,
1433 North Meridian Street,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your request for an official opinion, dated May 22, 1951, which reads as follows:

"An official opinion is requested with reference to the intent of business enterprise in Section 22, Chapter 44, Acts of 1949 (Real Estate Laws).

"All offers, or attempts, or agrees to auction any real estate or business enterprise * * *

"Is it your interpretation that this Section refers only to the auction of business enterprise or is it necessary under the Acts for any business enterprise broker to first obtain the proper license whether or not he is going to auction or sell by other means."

Section 22, the section in question, is concerned with defining certain words used throughout Chapter 44, Acts of 1949, an act regulating real estate brokers and real estate salesmen, and prescribing penalties for the violation thereof. So much of Section 22 as is necessary is set out below:

"* * * The term 'real estate broker', within the meaning of this act shall include all persons, partnerships, associations and corporations, foreign and domestic who, for another and for a fee, commission, or other valuable consideration, or who with the intention, in the expectation or upon the promise of receiving or collecting a fee, commission or other valuable consideration, sells, exchanges, purchases, rents
or leases, or negotiates the sale, exchange, purchase, rental, or leasing of, or offers, or attempts, or agrees to negotiate the sale, exchange, purchase, rental or leasing of or lists or offers or attempts or agrees to list, or appraises, or offers or attempts or agrees to appraise, or auction, or offers or attempts or agrees to auction, any real estate, or business enterprise, or the improvements thereon; * * *

It has been held that a statute clear and unambiguous on its face need not and cannot be interpreted by a court. Only statutes which are ambiguous and of doubtful meaning are subject to statutory interpretation.

Section 4502, Sutherland Statutory Construction, 3rd Edition;
Hood v. State (1906), 167 Ind. 622, 624;

Upon examination, the language used in defining "real estate broker" seems clear and unambiguous. The words "any real estate, or business enterprise, or improvements thereon" are the object of the whole series of actions preceding such words. It is my opinion that a business enterprise broker must obtain a license whether he is going to auction or sell, purchase, rent, etc., as set out in Section 22.

OFFICIAL OPINION NO. 50

June 7, 1951.

James M. Propst, Director,
Gross Income Tax Division,
141 South Meridian Street,
Indianapolis 13, Indiana.

Dear Sir:

I am in receipt of your letter of May 1, 1951, in which you request that I review the Attorney General's Official Opinion of April 6, 1943, and that I by an official opinion indicate any revision, affirmation or obligation thereof.