

# STRAIGHT TALK ABOUT DUAL AGENCY –A CONFLICT OF INTERESTS



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By **Bill Crumbaker**•

Should an agent represent both parties in a transaction?

Many agents practice dual agency- that is being both the listing agent and the selling agent in the same transaction. If you hire and agent to sell your house or to buy a house that agent has duties that he owes to you.

The first duty is to be **loyal** that means to put your interests first at all times before his own or Brokers interests, or any other party.

The next duty is **obedience**. The agent must follow all of your lawful instructions.

The next duty of the agent is **disclosure**. He must disclose for example if your agent heard the selling agent say the buyer is willing to pay full price and they bring you a low offer, he must tell you that they said they were willing to pay full price.

The next duty the agent owes his client is **confidentiality**. He is forbidden to disclose any information that would hinder

Hinder his client from getting the best price possible.

The next duty is to offer **reasonable care and diligent service**.

Agents are supposed to be knowledgeable and to provide professional service, they are not attorneys or home inspectors they should not give advice beyond their scope of their real estate license.

Finally they must be **accountable** they must safe guard any money or documents entrusted to them throughout the transaction.

As you can see by looking at the duties and agent owes his client it is not realistic to believe a dual agent will be able to perform these duties as well as a single party representing agent. That is why **I practice single party representation**.

I do not practice dual agency because I can't represent my clients properly by being a dual agent. As **an ABR Accredited Buyer's Agent** I only represent the buyer in a transaction. I am also an **ASR Accredited Seller's Representative** & only represent the seller interests as a listing agent.

