

# Reason Magazine

## [Who Will Save Helpless Missourians from the Terror of Unlicensed Real Estate Brokers?](#)

[Damon W. Root](#) | December 2, 2011

The Cato Institute's Ilya Shapiro runs down the legal issues at stake in *Kansas City Premier Apartments v. Missouri Real Estate Commission*, a case which Cato and the Pacific Legal Foundation are urging the Supreme Court to take up this term. As Shapiro explains:

The Missouri Real Estate Commission, acting on a complaint by a licensed realtor, decided that Kansas City Premier Apartments, which provides local rental listings, was acting as an unlicensed real estate broker and was therefore subject to fine and even criminal prosecution. (Before KCPA began operations, it had asked the Commission whether it needed a license and did not receive a clear answer other than that it was a "grey area" of law.)

KCPA challenged the Commission's decision on First Amendment grounds, but the trial court found it to be constitutional without giving a reason for its conclusion. The Missouri Supreme Court affirmed the trial court after simply presuming the constitutionality of the speech restriction....

Our brief notes that "this case combines the nationally important commercial speech issue with the equally nationally important question of the extent to which the Constitution tolerates occupational licensing."

Read all about it [here](#).