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**ARIZONA'S REAL ESTATE STATUTES DO NOT CREATE AN EMPLOYER-EMPLOYEE RELATIONSHIP BETWEEN BROKERS AND AGENTS, NOR DO THEY IMPOSE A NON-DELEGABLE DUTY ON THE BROKER TO SUPERVISE AN AGENT'S DRIVING.**

August 23, 2016 | Law Alerts, News

*Santorii v. MartinezRusso*

Arizona Court of Appeals, August 23, 2016

Real estate agent was returning from a sales appointment when the car he was driving crossed the center line and struck Santorii's tractor-trailer, killing both men. Santorii's wife brought a wrongful death lawsuit against MartinezRusso, alleging that the real estate broker was vicariously liable for the agent's negligence.

The court of appeals affirmed summary judgment for the broker because: (1) Arizona's real estate statutes do not create an employer-employee relationship between brokers and agents; (2) the same statutes do not impose upon the broker a non-delegable duty to supervise an agent's driving; and (3) based on the undisputed facts, the agent was an independent contractor of the broker.

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