Rules and Regulations of the State of Georgia

Department 520 GEORGIA REAL ESTATE COMMISSION

Current through Rules and Regulations filed through April 4, 2023

Table of Contents

ADMINISTRATIVE HISTORY
Chapter 520-1. LICENSURE AND BROKERAGE.
- Rule 520-1-.01. Organization of the Commission.
- Rule 520-1-.02. Definitions.
- Rule 520-1-.03. Commission Operations.
- Rule 520-1-.04. Obtaining a License.
- Rule 520-1-.05. Maintaining a License.
- Rule 520-1-.06. Brokerage Relationships.
- Rule 520-1-.07. Management Responsibilities of Real Estate Firms.
- Rule 520-1-.08. Managing Trust Accounts and Trust Funds.
- Rule 520-1-.09. Advertising.
- Rule 520-1-.10. Handling Real Estate Transactions.
- Rule 520-1-.11. Licensees Acting as Principals.
- Rule 520-1-.12. Business Brokerage.
- Rule 520-1-.13. Fair Housing.
- Rule 520-1-.14. Citations.
- Rule 520-1-.15. Repealed.
- Rule 520-1-.16. Repealed.
- Rule 520-1-.17. Repealed.
- Rule 520-1-.18. Repealed.
- Rule 520-1-.19. Repealed.
- Rule 520-1-.20. Repealed.

Rule 520-1-.21. Repealed.
Rule 520-1-.22. Repealed.
Rule 520-1-.23. Repealed.
Rule 520-1-.24. Repealed.
Rule 520-1-.25. Repealed.
Rule 520-1-.26. Repealed.
Rule 520-1-.27. Repealed.
Rule 520-1-.28. Repealed.
Rule 520-1-.29. Repealed.
Rule 520-1-.30. Repealed.
Rule 520-1-.31. Repealed.
Rule 520-1-.32. Repealed.
Rule 520-1-.33. Repealed.
Rule 520-1-.34. Repealed.
Rule 520-1-.35. Repealed.
Rule 520-1-.36. Repealed.
Rule 520-1-.37. Repealed.
Rule 520-1-.38. Repealed.
Rule 520-1-.39. Repealed.
Rule 520-1-.40. Repealed.
Rule 520-1-.41. Repealed.
Rule 520-1-.42. Repealed.
Rule 520-1-.43. Repealed.
Chapter 520-2. STANDARDS FOR REAL ESTATE COURSES.
Rule 520-2-.01. Purpose of Chapter.
Rule 520-2-.02. Real Estate Schools.
Rule 520-2-.03. Real Estate Instructors.
Rule 520-2-.04. Real Estate Courses.
Rule 520-2-.05. Sanctions and Citations.
Rule 520-2-.06. Repealed.
Rule 520-2-.07. Repealed.
Rule 520-2-.08. Repealed.
Rule 520-2-.09. Repealed.
Rule 520-2-.10. Repealed.
Rule 520-2-.11. Repealed.
Rule 520-2-.12. Repealed.
Rule 520-2-.13. Repealed.
Rule 520-2-.14. Repealed.

Rule 520-2-.15. Repealed.
Rule 520-2-.16. Repealed.
Rule 520-2-.17. Repealed.
Chapter 520-3. STANDARDS FOR REAL ESTATE COURSE INSTRUCTORS.
Rule 520-3-.01. Repealed.
Rule 520-3-.02. Repealed.
Rule 520-3-.03. Repealed.
Rule 520-3-.04. Repealed.
Rule 520-3-.05. Repealed.
Rule 520-3-.06. Repealed.
Rule 520-3-.07. Repealed.
Rule 520-3-.08. Repealed.
Rule 520-3-.09. Repealed.
Rule 520-3-.10. Repealed.
Chapter 520-4. PROCEDURAL RULES.
Rule 520-4-.01. Hearing Procedures.
Rule 520-4-.02. General Information.
Rule 520-4-.03. Service of Documents Generated by the Commission.
Rule 520-4-.04. Posthearing Procedures.
Rule 520-4-.05. Repealed.
Rule 520-4-.06. Repealed.
Rule 520-4-.07. Repealed.
Rule 520-4-.08. Repealed.
Rule 520-4-.09. Repealed.
Rule 520-4-.10. Repealed.
Rule 520-4-.11. Repealed.
Chapter 520-5. STANDARDS FOR CONTRACTS FOR EDUCATION OR RESEARCH.
Rule 520-5-.01. Purpose of Chapter.
Rule 520-5-.02. Providers.
Rule 520-5-.03. Amounts and Terms of Contracts for Education or Research.
Rule 520-5-.04. Proposals.
Rule 520-5-.05. Commission Action on Proposal.
Rule 520-5-.06. Reports.
Rule 520-5-.07. Use of Commission Name.
Rule 520-5-.08. Changes.
Rule 520-5-.09. Participants.
Rule 520-5-.10. Expenditures.
Rule 520-5-.11. Violations.

Chapter 520-6. REPEALED (520-6-.01 thru 520-6-.15).
Rule 520-6-.01. Repealed.
Rule 520-6-.02. Repealed.
Rule 520-6-.03. Repealed.
Rule 520-6-.04. Repealed.
Rule 520-6-.05. Repealed.
Rule 520-6-.06. Repealed.
Rule 520-6-.07. Repealed.
Rule 520-6-.08. Repealed.
Rule 520-6-.09. Repealed.
Rule 520-6-.10. Repealed.
Rule 520-6-.11. Repealed.
Rule 520-6-.12. Repealed.
Rule 520-6-.13. Repealed.
Rule 520-6-.14. Repealed.
Rule 520-6-.15. Repealed.
Chapter 520-7. REPEALED (520-7-.01 thru 520-7-.05).
Rule 520-7-.01. Repealed.
Rule 520-7-.02. Repealed.
Rule 520-7-.03. Repealed.
Rule 520-7-.04. Repealed.
Rule 520-7-.05. Repealed.
Chapter 520-8. REPEALED (520-8-.01 thru 520-8-.09).
Rule 520-8-.01. Repealed.
Rule 520-8-.02. Repealed.
Rule 520-8-.03. Repealed.
Rule 520-8-.04. Repealed.
Rule 520-8-.05. Repealed.
Rule 520-8-.06. Repealed.
Rule 520-8-.07. Repealed.
Rule 520-8-.08. Repealed.
Rule 520-8-.09. Repealed.
Chapter 520-9. REPEALED (520-9-.01 thru 520-9-.06).
Rule 520-9-.01. Repealed.
Rule 520-9-.02. Repealed.
Rule 520-9-.03. Repealed.
Rule 520-9-.04. Repealed.
Rule 520-9-.05. Repealed.

Rule 520-9-.06. Repealed.
Chapter 520-10. GRANT PROGRAMS.
Rule 520-10-.01. Education Grants.

ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapters 520-1 entitled "Organization", 520-2 entitled "Listings", 520-3 entitled "Rules Regarding Selling", 520-4 entitled "Licensing Requirements", 520-5 entitled "Brokers:

Duties and Agreements", 520-6 entitled "Code of Ethics" have been adopted. Filed and effective June 30, 1965.

Rule 520-3-.04 has been repealed and a new Rule adopted. Filed October 9, 1967; effective November 6, 1967, as specified by the Agency.

Rule 520-3-.01 has been amended. Filed April 5, 1968; effective April 24, 1968.

Rule 520-4-.08 has been adopted. Rule 520-3-.04 has been repealed and a new Rule adopted. Filed June 4, 1968; effective June 24, 1968.

Rule 520-3-.05 has been repealed and a new Rule adopted. Rule 520-3-.06 has been adopted. Filed March 7, 1969; effective March 27, 1969.

Rule 520-3-.07 has been adopted. Filed July 1, 1969; effective July 21, 1969.

Rule 520-3-.08 has been adopted. Filed July 23, 1969; effective August 11, 1969.

Chapter 520-7 entitled "Real Estate Practices" has been adopted. Filed September 14, 1972; effective October 4, 1972.

Rule 520-3-.07 has been repealed. Filed September 19, 1972; effective October 9, 1972.

Rule 520-4-.09 has been adopted. Filed November 29, 1972; effective December 19, 1972.

Emergency Rule Chapter 520-1-0.1 has been adopted. Filed and effective July 12, 1973, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule was adopted to comply with Georgia Law 1973 recreating the Georgia Real Estate Commission. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 520-1 has been repealed and a new chapter adopted superseding Emergency Rule 520-1-0.1. Chapters 520-2 to 520-7 have been repealed. Filed December 7, 1973; effective December 27, 1973.

Rule 520-1-.13 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed May 31, 1974; effective June 20, 1974.

Emergency Rule 520-2-0.2, entitled "Standards for Real Estate Salesman's Courses," containing Rules 520-2-0.2-.01 through 520-2-0.2-.10, has been adopted. Filed and effective on July 5, 1974 to remain in effect until the effective date of permanent Rules covering the same subject matter, but in no event to remain in effect for a period longer than 120 days, as specified by the Agency.

Emergency Rule 520-2-0.2 expired on November 2, 1974.

Chapter 520-2, entitled "Standards for Real Estate Salesman's Courses," containing Rules 520-2-.01 through 520-2-.10, has been adopted. Filed September 26, 1975; effective October 16, 1975.

Chapter 520-3, entitled "Standards for Real Estate Broker's Courses," containing Rules 520-3-.01 through 520-3-.10, has been adopted. Filed September 26, 1975; effective October 16, 1975.

Emergency Rule 520-1-0.3-.27, entitled "Trade Name," was filed on December 1, 1976, to become effective on date of filing and to remain in effect for a period of 120 days, or until the

adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Rule 520-1-.04 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed December 21, 1976; effective January 10, 1977.

Chapter 520-4, entitled "Procedural Rules," containing Rule 520-4-.01, has been adopted. Filed December 21, 1976; effective January 10, 1977.

Rule 520-1-.26 has been adopted. Filed January 11, 1977; effective January 31, 1977.

Rule 520-1-.24 has been repealed and a new Rule 520-1-.24 adopted. Filed January 17, 1977; effective February 6, 1977.

Rule 520-2-.03 has been amended by the adoption of subparagraph (j). Filed January 17, 1977; effective February 6, 1977.

Rule 520-2-.04 has been amended. Filed January 17, 1977; effective February 6, 1977.

Rule 520-3-.03 has been amended by the adoption of subparagraph (k). Filed January 17, 1977; effective February 6, 1977.

Rule 520-3-.04 has been amended. Filed January 17, 1977; effective February 6, 1977.

Rule 520-1-.10 has been amended. Filed February 14, 1977; effective March 6, 1977.

Rule 520-1-.11 has been repealed and a new Rule 520-1-.11 adopted. Filed February 14, 1977; effective March 6, 1977.

Subparagraph (f) of Rule 520-2-.03 has been amended. Filed February 14, 1977; effective March 6, 1977.

Paragraph (g) of Rule 520-3-.03 has been amended. Filed February 14, 1977; effective March 6, 1977.

Emergency Rule 520-1-0.4-.29, entitled "Fees," was filed on March 23, 1977, to become effective on date of filing and to remain in effect until the effective date of a permanent Rule covering the same subject matter but in no event to remain in effect for a period longer than 120 days as specified by the Agency. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 520-1-0.3-.27 expired on March 30, 1977.

Rule 520-1-.27 has been adopted. Filed April 17, 1977; effective April 27, 1977.

Rule 520-1-.25 has been repealed and a new Rule 520-1-.25 adopted. Filed May 13, 1977; effective June 2, 1977.

Rule 520-1-.28 has been adopted. Filed May 13, 1977; effective June 2, 1977.

Emergency Rule 520-1-0.4-.29 has been repealed and in lieu thereof permanent Rule 520-1-.29 adopted. Filed June 8, 1977; effective June 28, 1977.

Rule 520-1-.01 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed August 18, 1977; effective September 7, 1977.

Rule 520-1-.13 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed August 18, 1977; effective September 7, 1977.

Rule 520-1-.15 has been repealed and a new Rule 520-1-.15 adopted. Filed September 19, 1977; effective October 9, 1977.

Rule 520-1-.17 has been repealed and a new Rule 520-1-.17 adopted. Filed April 12, 1978; effective May 2, 1978.

Rules 520-1-.04 and 520-1-.06 have been repealed and new Rules of the same numbers adopted. Filed May 12, 1978; effective June 1, 1978.

Rule 520-1-.30 has been adopted. Filed May 12, 1978; effective June 1, 1978.

Chapter 520-5, entitled "Standards for Educational Grants," containing Rules 520-5-.01 through 520-5-.11, has been adopted. Filed May 12, 1978; effective June 1, 1978.

Rule 520-1-.23 has been repealed and a new Rule 520-1-.23 adopted. Filed July 6, 1978; effective July 26, 1978.

Rules 520-1-.01 and 520-1-.26 have been repealed and new Rules of the same numbers adopted. Filed September 7, 1978; effective October 1, 1978, as specified by the Agency.

Rule 520-1-.01 has been amended by the adoption of paragraphs (7) and (8). Filed January 15, 1979; effective February 4, 1979.

Rules 520-1-.10 and 520-1-.11 have been repealed and new Rules of the same numbers adopted. Filed April 16, 1979; effective May 6, 1979.

Rule 520-1-.26 has been amended by the adoption of paragraph (8). Filed April 16, 1979; effective May 6, 1979.

Rules 520-1-.31 and 520-1-.32 have been adopted. Filed April 16, 1979; effective May 6, 1979.

Rule 520-1-.04 has been amended by the adoption of paragraph (9). Filed June 13, 1979; effective July 3, 1979.

Rule 520-1-.13 has been amended by the adoption of paragraphs (5) and (6). Filed June 13, 1979; effective July 3, 1979.

Rule 520-1-.33 has been adopted. Filed June 13, 1979; effective July 3, 1979.

Chapter 520-2 has been repealed and a new Chapter 520-2, December 6, 1979 entitled "Standards for Real Estate Pre-License Courses," containing Rules 520-2-.01 through 520-2-.15, adopted. Filed June 13, 1979; effective July 3, 1979.

Chapter 520-3 has been repealed and a new Chapter 520-3, entitled "Standards for Real Estate Course Instructors," containing Rules 520-3-.01 through 520-3-.07, adopted. Filed June 13, 1979; effective July 3, 1979.

Chapter 520-4 has been repealed and a new Chapter 520-4 of the same title, containing Rules 520-4-.01 through 520-4-.11, adopted. Filed June 13, 1979; effective July 3, 1979.

Chapter 520-6, entitled "Standards for Real Estate Post-Licensure Course," containing Rules 520-6-.01 through 520-6-.14, has been adopted. Filed June 13, 1979; effective July 3, 1979.

Rule 520-2-.07 has been repealed and a new Rule 520-2-.07 adopted. Filed August 16, 1979; effective September 5, 1979.

Rule 520-3-.02 has been amended by the adoption of paragraph (5). Filed August 16, 1979; effective September 5, 1979.

Rule 520-3-.06 has been repealed and a new Rule 520-3-.06 adopted. Filed August 16, 1979; effective September 5, 1979.

Rule 520-1-.13 has been amended by the adoption of paragraphs (7) and (8). Filed September 14, 1979; effective October 4, 1979.

Rule 520-1-.10 has been amended by the repeal of paragraph (3) and by the adoption of a new paragraph (3). Filed November 16, 1979; effective December 6, 1979.

Rule 520-1-.34 has been adopted. Filed November 16, 1979; effective December 6, 1979.

Rule 520-2-.02 has been amended by the repeal of paragraph (4) and by the adoption of a new paragraph (4). Filed November 16, 1979; effective December 6, 1979.

Paragraph (3) of Rule 520-3-.02 has been amended by the repeal of that part of the content designated as (3) beginning with the words "have taught at least four (4) ..." and by the adoption of a new part designated (3) beginning with the words "have taught at least two (2) ...". Filed November 16, 1979; effective December 6, 1979.

Rule 520-4-.04 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed November 16, 1979; effective December 6, 1979.

Rule 520-5-.06 has been repealed and a new Rule 520-5-.06 adopted. Filed November 16, 1979; effective December 6, 1979.

Rule 520-5-.08 has been repealed and a new Rule 520-5-.08 adopted. Filed November 16, 1979; effective December 6, 1979.

Rule 520-6-.02 has been amended by the repeal of subparagraph (5)(g) and by the adoption of a new subparagraph (5)(g). Filed November 16, 1979; effective December 6, 1979.

Rule 520-6-.03 has been amended by the repeal of subparagraph (5)(g) and by the adoption of a new subparagraph (5)(g). Filed November 16, 1979; effective December 6, 1979.

Rule 520-6-.04 has been amended by the repeal of subparagraphs (2)(d) and (2)(e) and by the adoption of new subparagraphs (2)(d), (2)(e), (2)(f) and (2)(g). Filed November 16, 1979; effective December 6, 1979.

Rule 520-6-.07 has been amended by the adoption of new paragraphs (7) and (8). Filed November 16, 1979; effective December 6, 1979.

Rule 520-6-.02 has been amended by the repeal of subparagraph (5)(e) and paragraph (10) and by the adoption of a new subparagraph (5)(e) and a new paragraph (10). Filed January 16, 1980; effective February 5, 1980.

Rule 520-6-.03 has been amended by the repeal of subparagraph (5)(e) and paragraph (10) and by the adoption of a new subparagraph (5)(e) and a new paragraph (10). Filed

January 16, 1980; effective February 5, 1980.

Rule 520-1-.01 has been amended by the adoption of paragraph (9). Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-1-.04 has been amended by the repeal of paragraph (5) and by the adoption of a new paragraph (5). Field May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-1-.11 has been amended by the repeal of paragraph (4) and by the adoption of a new paragraph (4). Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-1-.13 has been amended by renumbering paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), and by the adoption of a new paragraph (5). Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-1-.23 has been amended by the adoption of paragraph (9). Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-1-.29 has been repealed and a new Rule 520-1-.29 adopted. Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-4-.01 has been amended by the adoption of paragraph (10). Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-6-.02 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-6-.03 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-6-.06 has been amended by the repeal of paragraph (5) and by the adoption of new paragraphs (5) and (6). Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-6-.07 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.

Rule 520-1-.12 has been repealed and a new Rule 520-1-.12 adopted. Filed June 4, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-1-.19 has been amended by the repeal of subparagraph (c) and by the adoption of a new subparagraph (c). Filed June 4, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-1-.35 has been adopted. Filed June 4, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-2-.03 has been amended by the adoption of paragraph (4). Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-2-.04 has been amended by the adoption of paragraph (4). Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-2-.05 has been amended by the adoption of paragraph (4). Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-2-.06 has been amended by the adoption of paragraph (3). Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-6-.02 has been amended by the adoption of paragraph (11). Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-6-.03 has been amended by the adoption of paragraph (11). Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-6-.04 has been amended by the adoption of paragraph (4). Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-6-.05 has been amended by the adoption of paragraph (4). Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.

Rule 520-1-.29 has been amended by the adoption of subparagraph (c). Filed February 6, 1981; effective March 1, 1981, as specified by the Agency.

Rule 520-1-.33 has been repealed and a new Rule 520-1-.33 adopted. Filed February 6, 1981; effective March 1, 1981, as specified by the Agency.

Rule 520-2-.02 has been amended by changing the title and by the adoption of a new paragraph (5). Filed February 6, 1981; effective March 1, 1981, as specified by the Agency.

Rule 520-6-.04 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed February 6, 1981; effective March 1, 1981, as specified by the Agency.

Rules 520-1-.05 and 520-1-.09 have been repealed. Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.

Rule 520-1-.14 has been repealed and a new Rule 520-1-.14 adopted. Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.

Rule 520-2-.11 has been repealed and a new Rule 520-2-.11 adopted. Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.

Rule 520-6-.02 has been amended by the repeal of paragraph (10) and by the adoption of a new paragraph (10). Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.

Rule 520-6-.03 has been amended by the repeal of paragraph (10) and by the adoption of a new paragraph (10). Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.

Rule 520-6-.05 has been amended by the repeal of paragraph (3) and by the adoption of a new paragraph (3). Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.

Rule 520-6-.07 has been amended by the repeal of paragraphs (3) and (5) and by the adoption of a new paragraph (3), and by renumbering paragraphs (6), (7) and (8) as paragraphs (5), (6) and (7), respectively. Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.

Rule 520-6-.11 has been repealed and a new Rule 520-6-.11 adopted. Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.

Rule 520-1-.14 has been amended by the repeal of paragraphs (4) and (5), and subparagraphs (4)(a) and (5)(a), and by the adoption of new paragraphs (4) and (5) and new subparagraphs (4)(a) and (5)(a). Filed July 15, 1981; effective August 4, 1981.

Rule 520-6-.02 has been amended by the repeal of subparagraph (5)(e) and paragraph (10) and by the adoption of a new subparagraph (5)(e) and a new paragraph (10). Filed July 15, 1981; effective August 4, 1981.

Rule 520-6-.03 has been amended by the repeal of subparagraph (5)(e) and paragraph (10) and by the adoption of a new subparagraph (5)(e) and a new paragraph (10). Filed July 15, 1981; effective August 4, 1981.

Rule 520-6-.05 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed July 15, 1981; effective August 4, 1981.

Rule 520-6-.07 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed July 15, 1981; effective August 4, 1981.

Rule 520-1-.04 has been amended by the repeal of paragraph (4) and by the adoption of a new paragraph (4). Filed November 12, 1981; effective December 2, 1981.

Rule 520-1-.06 has been repealed and a new Rule 520-1-.06 adopted. Filed November 12, 1981; effective December 2, 1981.

Rule 520-1-.23 has been amended by the repeal of paragraph (9) and by the adoption of a new paragraph (9). Filed November 12, 1981; effective December 2, 1981.

The title of Rule 520-1-.34 has been changed. Filed November 12, 1981; effective December 2, 1981.

Rule 520-1-.35 has been amended by the repeal of paragraphs (6) and (7) and by the adoption of new paragraphs (6) and (7). Filed November 12, 1981; effective December 2, 1981.

Rule 520-6-.02 has been amended by the repeal of paragraph (9) and by the adoption of a new paragraph (9). Filed November 12, 1981; effective December 2, 1981.

Rule 520-6-.03 has been amended by the repeal of paragraph (9) and by the adoption of a new paragraph (9). Filed November 12, 1981; effective December 2, 1981.

Rule 520-1-.14 has been amended by the repeal of paragraphs (4) and (5) and by the adoption of new paragraphs (4) and (5). Filed February 11, 1982; effective March 3, 1982.

Rule 520-1-.35 has been amended by the repeal of paragraphs (8), (9), (10), and (11). Filed February 11, 1982; effective March 3, 1982.

Rule 520-6-.05 has been amended by renumbering paragraphs (3) and (4) as (4) and (5), respectively, and by the adoption of a new paragraph (3). Filed February 11, 1982; effective March 3, 1982.

Rule 520-6-.07 has been amended by the adoption of paragraph (8). Filed February 11, 1982; effective March 3, 1982.

Rule 520-1-.04 has been amended by the repeal of paragraphs (3), (6), and (7) and by renumbering paragraphs (4), (5), (8), an (9) as (3), (4), (5), and (6), respectively. Filed March 11, 1982; effective March 31, 1982.

Rule 520-1-.13 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed June 10, 1982; effective July 1, 1982, as specified by the Agency.

Rule 520-1-.24 has been repealed. Filed June 10, 1982; effective July 1, 1982, as specified by the Agency.

Rule 520-1-.26 has been amended by the repeal of paragraph (6) and by the adoption of a new paragraph (6) and paragraph (9). Filed June 10, 1982; effective July 1, 1982, as specified by the Agency.

Rules 520-1-.28, 520-1-.29 have been repealed and new Rules of the same numbers adopted. Filed June 10, 1982; effective July 1, 1982, as specified by the Agency.

The Authority for Chapters 520-3, 520-4, and 520-5 has been changed. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rules 520-1-.02, 520-1-.03, 520-1-.04, 520-1-.06, 520-1-.07, 520-1-.10, 520-1-.11, 520-1-.12, 520-1-.13, 520-1-.15, 520-1-.16, 520-1-.17, 520-1-.18, 520-1-.19, 520-1-.20, 520-1-.22, 520-1-.25, 520-1-.29, 520-1-.30, 520-1-.32, 520-1-.33, and 520-1-.34 has been changed. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

Rules 520-1-.01, 520-1-.08, 520-1-.21, 520-1-.28, and 520-1-.35 have been repealed and new Rules of the same numbers adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

Rule 520-1-.05 has been adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-1-.14 has been changed, and paragraphs (1), (3), (4), and (5) of said Rule have been repealed and new paragraphs of the same numbers adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-1-.23 has been changed, and paragraphs (1) and (7) of said Rule have been repealed and new paragraphs of the same numbers adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-1-.26 has been changed, and paragraph (8) of said Rule has been repealed and a new paragraph (8) adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-1-.27 has been changed, and paragraphs (4), (6), and (8) of said Rule have been repealed and new paragraphs (4) and (6) adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-1-.31 has been changed, and paragraph (1) of said Rule has been repealed and a new paragraph (1) adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rules 520-2-.02, 520-2-.05, 520-2-.07, 520-2-.08, 520-2-.09, 520-2-.10, 520-2-.11, 520-2-.12, 520-2-.13, and 520-2-.14 has been changed. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

Rules 520-2-.01 and 520-2-.15 have been repealed and new Rules of the same numbers adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-2-.03 has been changed, and subparagraph (1)(h) of said Rule has been repealed and a new subparagraph (1)(h) adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-2-.04 has been changed, and subparagraph (1)(h) of said Rule has been repealed and a new subparagraph (1)(h) adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-2-.06 has been changed, and paragraphs (1) and (2) of said Rule have been repealed and new paragraphs of the same numbers adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

Rules 520-3-.01 and 520-3-.07 have been repealed and new Rules of the same numbers adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

Rule 520-4-.01 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

Rule 520-4-.05 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

520-4-.11 has been amended by the repeal of paragraph (5) and by the adoption of a new paragraph (5). Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

Rule 520-5-.04 has been amended by the repeal of subparagraph (f) and by the adoption of a new subparagraph (f). Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

Rules 520-6-.01 and 520-6-.14 have been repealed and new Rules of the same numbers adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-6-.02 has been changed, and subparagraph (5)(d) of said Rule has been repealed and a new subparagraph (5)(d) adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rule 520-6-.03 has been changed, and subparagraph (5)(d) of said Rule has been repealed and a new subparagraph (5)(d) adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

The Authority for Rules 520-6-.04 through 520-6-.13 has been changed. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.

Rule 520-1-.04 has been amended by the repeal of subparagraph (3)(b) and by the adoption of a new subparagraph (3)(b). Filed February 10, 1983; effective March 3, 1983, as specified by the Agency.

Rule 520-1-.13 has been amended by the repeal of paragraphs (8), and (9) and its parts, and by the adoption of new paragraphs (8), and (9) and its parts. Also, unnumbered paragraph following paragraph (9) has been amended. Filed February 10, 1983; effective March 3, 1983, as specified by the Agency.

Rule 520-1-.23 has been amended by the repeal of paragraph (7) and by the adoption of a new paragraph (7). Filed February 10, 1983; effective March 3, 1983, as specified by the Agency.

Rule 520-1-.29 has been amended by the repeal of subparagraphs (a)3. and (a)4., and by the adoption of new subparagraphs of the same numbers. Filed February 10, 1983; effective March 3, 1983, as specified by the Agency.

Rule 520-2-.13 has been amended by numbering the paragraph following the Rule title as (1) and by the adoption of paragraph (2). Filed February 10, 1983; effective March 3, 1983, as specified by the Agency.

Rule 520-6-.12 has been amended by numbering the paragraph following the Rule title as (1) and by the adoption of paragraph (2). Filed February 10, 1983; effective March 3, 1983, as specified by the Agency.

Rule 520-1-.13 has been amended by the repeal of paragraphs (6) and (7) and by the adoption of new paragraphs (6) and (7). Filed May 5, 1983; effective July 1, 1983, as specified by the Agency.

Rule 520-1-.14 has been amended by the repeal of paragraph (3) and by the adoption of a new paragraph (3). Filed May 5, 1983; effective July 1, 1983, as specified by the Agency.

Rule 520-2-.16 has been adopted. Filed June 9, 1983; effective July 1, 1983, as specified by the Agency.

Rule 520-6-.15 has been adopted. Filed June 9, 1983; effective July 1, 1983, as specified by the Agency.

Chapter 520-8, entitled "Time-Share Act Regulations," containing Rules 520-8-.01 through 520-8-.05, has been a opted. Filed June 9, 1983; effective July 1, 1983, as specified by the Agency.

Rule 520-8-.01 has been amended by the adoption of subparagraph (d). Filed July 7, 1983; effective August 1, 1983, as specified by the Agency.

Rule 520-8-.02 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed October 7, 1983; effective November 1, 1983, as specified by the Agency.

Rule 520-1-.05 has been repealed and a new Rule 520-1-.05 adopted. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Chapter 520-2 has been repealed and a new Chapter 520-2, entitled "Standards for Real Estate Courses," containing Rules 520-2-.01 through 520-2-.16, adopted. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-3-.02 has been amended by the repeal of paragraphs (2), (4), and (5) and by the adoption of new paragraphs (2), (4), and (5). Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-3-.05 has been amended by the repeal of paragraph (4) and by the adoption of a new paragraph (4). Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Chapter 520-6 has been repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Paragraph 520-2-.03(2) has been amended. Filed June 7, 1984; effective July 1, 1984, as specified by the Agency.

Paragraph 520-2-.09(5) has been amended. Filed June 7, 1984; effective July 1, 1984, as specified by the Agency.

Rule 520-8-.06 has been adopted. Filed June 7, 1984; effective July 1, 1984, as specified by the Agency.

Rule 520-1-.23 has been amended by repealing paragraph (7); and, by renumbering paragraphs (8) and (9) as paragraphs (7) and (8), respectively. Filed August 10, 1984; effective September 1, 1984, as specified by the Agency.

Rule 520-1-.24 has been adopted. Filed August 10, 1984; effective September 1, 1984, as specified by the Agency.

Rule 520-1-.09 has been adopted. Filed November 8, 1984; effective December 1, 1984, as specified by the Agency.

Paragraph 520-8-.02(1) has been amended. Filed December 6, 1984; effective January 1, 1985, as specified by the Agency.

Paragraph 520-2-.01(5) has been amended. Filed February 7, 1985; effective March 1, 1985, as specified by the Agency.

Rule 520-8-.01 has been amended. Filed May 9, 1985; effective June 1, 1985, as specified by the Agency.

Paragraph 520-8-.05(2) has been amended. Filed May 9, 1985; effective June 1, 1985, as specified by the Agency.

Rule 520-8-.07 has been adopted. Filed May 9, 1985; effective June 1, 1985, as specified by the Agency.

Paragraphs 520-1-.01(2) and (3) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraph 520-1-.04(3) has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-1-.07 has been repealed. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-1-.08 has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-1-.09(2) and (3) have been amended. Filed May 9, 1985, effective July 1, 1985, as specified by the Agency.

Paragraphs 520-1-.10(1) and (2) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-1-.11(2), (5), (6), and (8) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-1-.12 has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-1-.13(7), (8), and (9) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-1-.14(1), (2), (3), (4), and (5) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-1-.15 has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rules 520-1-.18, 520-1-.19, 520-1-.20, 520-1-.21 and 520-1-.22 have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-1-.23(1), (2), (4), (5) and (6) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-1-.26(2), (8) and (9) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-1-.28 has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-1-.29 has been repealed and a new Rule 520-1-.29 adopted. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-1-.31 has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-1-.34(1), (2), and (3) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-1-.35 has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-3-.01 has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-3-.04 has been repealed and a new Rule 520-3-.04 adopted. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-3-.07 has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-4-.01(1), (8), and (10) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraph 520-4-.02(5) has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraph 520-4-.03(2) has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraph 520-4-.04(1) has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraph 520-4-.05(2) has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-4-.06(3) and (4) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-4-.07(1) and (2) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraph 520-4-.09(2) has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-4-.10 has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraph 520-4-.11(5) has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Subparagraph 520-5-.04(f) has been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Paragraphs 520-8-.06(1) and (2) have been amended. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.

Rule 520-1-.13 has been amended by renumbering paragraphs (6) through (9) as paragraphs (7) through (10), respectively; and adopting a new paragraph (6). Filed September 5, 1985; effective October 1, 1985, as specified by the Agency.

Rule 520-8-.08 has been adopted. Filed September 5, 1985; effective October 1, 1985, as specified by the Agency.

Paragraph 520-1-.25(2) has been amended. Filed December 5, 1985; effective January 1, 1986, as specified by the Agency.

Paragraph 520-1-.26(1) has been amended. Filed December 5, 1985; effective January 1, 1986, as specified by the Agency.

Rule 520-1-.07 has been adopted. Filed February 13, 1986; effective April 1, 1986, as specified by the Agency.

Rule 520-1-.26 has been amended by the adoption of paragraph (10). Filed February 13, 1986, effective April 1, 1986, as specified by the Agency.

Rule 520-2-.07 has been repealed and a new Rule 520-2-.07 adopted. Filed February 13, 1986; effective April 1, 1986, as specified by the Agency.

Rule 520-8-.09 has been adopted. Filed February 13, 1986; effective April 1, 1986, as specified by the Agency.

Chapter 520-2 has been repealed and a new Chapter 520-2 of the same title, containing Rules 520-2-.01 through 520-2-.16, adopted. Filed July 10, 1986; effective January 1, 1987, as specified by the Agency.

Rule 520-3-.02 has been repealed and a new Rule 520-3-.02 adopted. Filed July 10, 1986; effective January 1, 1987, as specified by the Agency.

Rule 520-2-.11 has been amended by the repeal of paragraph (3) and by the adoption of new paragraphs (3), (9) and (10). Filed November 13, 1986; effective January 1, 1987, as specified by the Agency.

Rule 520-1-.14 has been repealed and a new Rule 520-1-.14 adopted. Filed November 13, 1986; effective January 1, 1987, as specified by the Agency.

Rule 520-1-.25 has been amended by the adoption of paragraphs (3) and (4). Filed November 13, 1986; effective January 1, 1987, as specified by the Agency.

Rule 520-1-.29 has been repealed and a new Rule 520-1-.29 adopted. Filed November 13, 1986; effective January 1, 1987, as specified by the Agency.

Rule 520-8-.01 has been repealed and a new Rule 520-8-.01 adopted. Filed November 13, 1986; effective January 1, 1987, as specified by the Agency.

Rule 520-1-.08 has been repealed and a new Rule 520-1-.08 adopted. Filed January 15, 1987; effective July 1, 1987, as specified by the Agency.

Rule 520-1-.05 has been amended. Filed January 21, 1987; effective February 14, 1987, as specified by the Agency.

Rule 520-3-.05 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed January 21, 1987; effective February 14, 1987, as specified by the Agency.

Rule 520-1-.04 has been amended by the repeal of paragraph (4). Filed February 12, 1987; effective March 4, 1987.

Rule 520-1-.36 has been adopted. Filed February 12, 1987; effective March 4, 1987.

Rule 520-1-.14 has been amended by renumbering paragraphs (4) through (9) as paragraphs (5) through (10); and, by adopting a new paragraph (4). Filed April 10, 1987; effective May 1, 1987, as specified by the Agency.

Paragraphs 520-1-.25(1) and (2) have been amended. Filed April 10, 1987; effective May 1, 1987, as specified by the Agency.

Rule 520-1-.19 has been amended. Filed May 13, 1987; effective June 2, 1987.

Rule 520-8-.09 has been repealed. Filed May 13, 1987; effective June 2, 1987.

Rule 520-1-.05 has been amended. Filed May 13, 1987; effective July 1, 1987; as specified by the Agency.

Paragraph 520-1-.13(7) has been amended. Filed May 13, 1987; effective July 1, 1987, as specified by the Agency.

Paragraph 520-1-.14(9) has been amended. Filed May 13, 1987; effective July 1, 1987, as specified by the Agency.

Rule 520-1-.23 has been repealed and a new Rule 520-1-.23 adopted. Filed May 13, 1987; effective July 1, 1987, as specified by the Agency.

Subparagraph 520-1-.29(7)(b) has been amended and paragraphs 520-1-.29(9) and (10) adopted. Filed May 13, 1987; effective July 1, 1987, as specified by the Agency.

Paragraph 520-3-.04(1) has been amended and paragraph (2) repealed. Filed May 13, 1987; effective July 1, 1987, as specified by the Agency.

The title of Rule 520-2-.07 has been changed. Filed July 1, 1987; effective July 21, 1987.

Rule 520-1-.35 has been repealed and a new Rule 520-1-.35 adopted. Filed July 9, 1987; effective August 1, 1987, as specified by the Agency.

Rule 520-2-.01 has been amended by the repeal of paragraphs (4), (5) and (6) and by the adoption of new paragraphs of these numbers. Filed July 9, 1987; effective August 1, 1987, as specified by the Agency.

Rule 520-2-.07 has been repealed and a new Rule 520-2-.07 adopted. Filed July 9, 1987; effective August 1, 1987, as specified by the Agency.

Rule 520-1-.05 has been amended by changing the title. Filed July 20, 1987; effective August 9, 1987.

Paragraph 520-1-.13(8) has been amended. Filed August 13, 1987; effective September 2, 1987.

Rule 520-2-.01 has been amended by the repeal of paragraph (8) and by the adoption of new paragraph (8). Filed August 13, 1987; effective September 2, 1987.

Rule 520-2-.12 has been amended. Filed September 10, 1987; effective September 30, 1987.

Subparagraphs (d) and (f) of Rule 520-2-.02 have been amended. Filed January 14, 1988; effective February 3, 1988.

Subparagraph (4)(i) of Rule 520-2-.05 has been amended. Filed January 14, 1988; effective February 3, 1988.

Paragraphs (1) and (2) of Rule 520-2-.10 have been amended. Filed January 14, 1988; effective February 3, 1988.

Paragraph (3) of Rule 520-3-.05 has been amended. Filed January 14, 1988; effective February 3, 1988.

Rule 520-1-.29 has been repealed and a new Rule 520-1-.29 adopted. Filed March 9, 1988; effective March 29, 1988.

Rule 520-1-.14 has been amended by the repeal of paragraphs (6), (7), (8) and (10); by renumbering paragraph (9) as paragraph (6) and by adopting a new paragraph (7). Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.

Paragraphs (8) and (9) of Rule 520-1-.26 have been amended. Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.

Rule 520-1-.30 has been repealed and a new Rule 520-1-.30 adopted. Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.

Rule 520-1-.35 has been amended by the repeal of paragraphs (4), and (5) and by renumbering paragraphs (6) and (7) as paragraphs (4) and (5), respectively. Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.

Rule 520-2-.01 has been amended by the repeal of paragraphs (2), (7) and (8) and by the adoption of new paragraphs of these numbers; said Rule has been further amended by the adoption of a paragraph (9). Filed June 7, 1988; effective July 1, 1988, specified by the Agency.

Paragraph (8) of Rule 520-2-.05 has been amended. Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.

Paragraph (4) of Rule 520-3-.05 has been amended. Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.

Paragraph (2) of Rule 520-3-.06 has been amended. Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.

Paragraph (2) of Rule 520-4-.01 has been amended. Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.

Rule 520-5-.11 has been amended. Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.

Paragraph (2) of Rule 520-2-.04 has been amended. Filed September 15, 1988; effective October 5, 1988.

Paragraph (3) of Rule 520-1-.34 has been amended. Filed November 10, 1988; effective December 1, 1988, as specified by the agency.

Paragraph (3) of Rule 520-2-.04 has been amended. Filed November 10, 1988; effective December 1, 1988, as specified by the agency.

Paragraph (2)(b) of Rule 520-2-.07 has been amended. Filed November 10, 1988; effective December 1, 1988, as specified by the agency.

Paragraph (5) of Rule 520-2-.01 has been repealed. Paragraphs (6) to (9) renumbered as (5) to (8). Filed March 16, 1989; effective April 4, 1989, as specified by the Agency.

Rule 520-1-.04(1) has been amended and a new Rule 520-1-.04(4) adopted. Filed May 15, 1989; effective July 1, 1989, as specified by the Agency.

Rule 520-1-.14(5) has been amended. Filed May 15, 1989; effective July 1, 1989, as specified by the Agency.

Rule 520-1-.25(1) has been amended. Filed May 15, 1989; effective July 1, 1989, as specified by the Agency.

Rule 520-2-.16(2) has been amended. Filed May 15, 1989; effective July 1, 1989, as specified by the Agency.

Paragraph (5) of Rule 520-1-.09 has been adopted. Filed August 10, 1989; effective September 1, 1989, as specified by the Agency.

Rule 520-2-.14 has been amended by adopting a new paragraph (3) and renumbering paragraphs (3) to (4) and (4) to (5). Filed August 10, 1989; effective September 1, 1989, as specified by the Agency.

Rule 520-2-.01 has been amended. Filed October 4, 1989; effective October 24, 1989.

Rule 520-4-.01 has been amended. Filed October 4, 1989; effective October 24, 1989.

Rules 520-1-.37 and 520-1-.38 have been adopted. Filed February 19, 1990; effective March 11, 1990.

Rules 520-2-.01(6) and (7) have been amended. Filed February 19, 1990; effective March 11, 1990.

Rule 520-2-.07(2) has been amended. Filed February 19, 1990; effective March 11, 1990.

Rule 520-2-.14(7) has been amended. Filed February 19, 1990; effective March 11, 1990.

Rules 520-1-.05 and 520-1-.11(9) have been amended. Filed April 17, 1990; effective May 7, 1990.

Paragraphs (11) and (12) of Rule 520-1-.26 have been adopted. Filed April 17, 1990; effective May 7, 1990.

Rule 520-8-.07(1)(b) has been amended. Filed July 12, 1990; effective August 1, 1990.

Rule 520-1-.28 has been amended. Filed August 8, 1990; effective September 1, 1990, as specified by the Agency.

Chapter 520-9 entitled "Land Sales Act Regulations" containing Rule 520-9-.02, .03, .05, .06, has been adopted. Filed August 8, 1990; effective September 1, 1990, as specified by the Agency.

Rules 520-1-.04(5), 520-1-.18, 520-1-.22 and 520-1-.23 have been amended. Filed September 13, 1990; effective October 3, 1990.

Rule 520-2-.03(2) has been amended. Filed September 13, 1990; effective October 3, 1990.

Rules 520-9-.01 and 520-9-.04 have been adopted. Filed September 13, 1990; effective October 3, 1990.

Rules 520-2-.01, .03, .04, .07, .08, .09(1), .10(2) were amended; .05 and .11 were repealed and readopted. Filed November 6, 1990; effective December 6, 1990.

Rule 520-1-.28 has been amended. Filed February 14, 1991; effective March 6, 1991.

Rule 520-2-.14(1) amended and subparagraph (a) of Rule 520-2-.14(5) adopted. Filed February 14, 1991; effective March 6, 1991.

Rule 520-1-.29 has been amended. Filed May 8, 1991; effective May 28, 1991.

Rules 520-1-.13, .14, .25(1) and .35 have been amended. Filed June 13, 1991; effective July 3, 1991.

Rule 520-2-.01 to .05 have been amended; .06 repealed;. 09(3), .11(1) and .14(3), (4) have been amended. Filed June 13, 1991; effective July 3, 1991.

Rules 520-3-.02(1) and .04(1)(c) have been amended. Filed June 13, 1991; effective July 3, 1991.

Rule 520-1-.15 has been amended. Filed August 22, 1991; effective September 11, 1991.

Rule 520-1-.05 has been amended. Filed December 16, 1991; effective January 5, 1992.

Subparagraph (c) of Rule 520-3-.04(1) has been amended. Filed February 13, 1992; effective March 4, 1992.

Paragraph (6) of Rule 520-2-.01 has been adopted. Rule 520-8-.09 has been adopted. Filed May 15, 1992; effective June 4, 1992.

Rules 520-1-.09(4), (5), 520-1-.29(3)(d) and 520-1-.30 have been amended. Filed July 16, 1992; effective August 5, 1992.

Rule 520-1-.13(7) has been amended. Filed October 16, 1992; effective November 5, 1992.

Rule 520-2-.07 has been amended. Filed October 16, 1992; effective November 5, 1992.

Rule 520-3-.04 has been amended. Filed December 8, 1992; effective December 28, 1992.

Rule 520-1-.14(3) has been amended. Filed February 10, 1993; effective March 2, 1993.

Rule 520-3-.02(2) has been amended. Filed April 1, 1993; effective April 21, 1993.

Rule 520-1-.09(6) has been amended. Filed July 19, 1993; effective August 8, 1993.

Rule 520-2-.04 has been amended. Filed August 17, 1993; effective September 6, 1993.

Rule 520-1-.11 has been amended. Filed September 10, 1993; effective September 30, 1993.

Rule 520-1-.04(3)(b) has been amended. Filed November 16, 1993; effective December 6, 1993.

Rule 520-1-.28 has been amended. Filed March 10, 1994; effective March 30, 1994.

Rules 520-1-.02, .03, .04, .06, .08, .11, .14, .23, .26, .27, .33; 520-2-.03 and .04 have been amended. Filed April 7, 1994; effective April 27, 1994.

Rules 520-1-.04, .07, .09, .10, .11, and .20 have been amended; Rule 520-2-.07 has been amended. Filed July 19, 1994; effective August 8, 1994.

Rules 520-1-.02, .04, .18, .22 and 520-5-.09 have been amended. Filed December 15, 1994; effective January 4, 1995.

Rules 520-1-.01(1), 520-4-.01(4) have been amended; Rule 520-1-.39 has been adopted. Filed February 9, 1995; effective March 1, 1995.

Rules 520-2-.07, .10 and .11 have been amended. Filed April 17, 1995; effective May 7, 1995.

Chapter 520-10 entitled "Grant Programs" submitted July 6, 1995. Rules 520-1-.02, .14 have been amended; Chapter 520-4 has been repealed and a new Chapter adopted; Chapter 520-8 and 520-9 have been repealed. Filed July 21, 1995; effective August 10, 1995.

Rules 520-2-.02, .03, .04, .07 and 520-3-.04 have been amended. Filed September 8, 1995; effective September 28, 1995.

Rule 520-1-.26 has been amended. Filed January 22, 1996; effective February 11, 1996.

Rule 520-1-.40 entitled "Support Personnel for Licensees; Permitted and Prohibited Activities" adopted. Filed March 13, 1996; effective July 1, 1996, as specified by the Agency.

Chapter 520-1, Rules 520-2-.01, .03, .04, .05, .07, .14 and 520-3-.02 have been amended. Filed June 14, 1996; effective July 4, 1996.

Rule 520-1-.17 has been amended. Filed August 15, 1996; effective September 4, 1996.

Rule 520-1-.42 has been adopted. Filed October 21, 1996; effective November 10, 1996.

Chapter 520-2 has been amended. Filed November 14, 1996; effective January 1, 1997, as specified by the Agency.

Rules 520-1-.04, .11, .26, .29, and .37 have been amended. Filed February 21, 1997; effective March 13, 1997.

Rule 520-1-.13 has been amended. Filed May 5, 1997; effective May 25, 1997.

Rule 520-1-.14(5) has been amended. Filed June 12, 1997; effective July 2, 1997.

Rule 520-1-.05 has been amended. Filed July 11, 1997; effective July 31, 1997.

Rule 520-2-.01(6) has been amended. Filed October 9, 1997; effective October 29, 1997.

Rule 520-1-.04 has been amended. Filed February 12, 1998; effective March 4, 1998.

Rule 520-1-.14 has been amended. Filed March 20, 1998; effective April 9, 1998.

Rules 520-1-.19, .20 have been repealed. Filed May 20, 1998; effective June 9, 1998.

Rule 520-1-.26 has been amended. Filed June 18, 1998; effective July 8, 1998.

Rule 520-1-.04 has been amended. Filed October 19, 1998; effective November 8, 1998.

Rule 520-2-.04(1) has been amended. Filed March 2, 1999; effective March 22, 1999.

Rules 520-1-.04 and 520-2-.06 have been amended. Filed May 13, 1999; effective June 2, 1999.

Rule 520-1-.04 has been amended. Rule 520-1-.43 has been adopted. Filed June 10, 1999; effective June 30, 1999.

Rules 520-1-.19, .20 and 520-2-.17 have been adopted. Filed August 12, 1999; effective September 1, 1999.

Rule 520-1-.25 has been amended. Filed November 12, 1999; effective December 2, 1999.

Rules 520-1-.09, .31 have been amended. Filed December 10, 1999; effective December 30, 1999.

Rule 520-2-.17 has been amended. Filed January 12, 2000; effective February 1, 2000.

Rule 520-1-.26 has been amended. Filed April 13, 2000; effective May 3, 2000.

Rule 520-1-.29 has been amended. Filed June 2, 2000; effective July 1, 2000, as specified by the Agency.

Rules 520-1-.02, .43 and 520-4-.02, .03 have been amended. Filed August 10, 2000; effective August 30, 2000.

Chapter 520-5 has been repealed and new Chapter entitled "Standards for Contracts for Education or Research" adopted. Filed September 14, 2000; effective October 4, 2000.

Rule 520-1-.40 has been amended. Filed November 9, 2000; effective November 29, 2000.

Rule 520-1-.25, .29 have been amended. Filed December 8, 2000; effective December 28, 2000.

Rule 520-1-.26 has been amended. Filed February 15, 2001; effective March 7, 2001.

Rules 520-1-.04 and 520-3-.04 have been amended. Filed April 12, 2001; effective May 2, 2001.

Rule 520-1-.43 has been amended. Filed August 9, 2001; effective August 29, 2001.

Rule 520-1-.29 has been amended. Filed January 23, 2002; effective April 1, 2002, as specified by the Agency.

Rule 520-1-.09 has been amended. Filed January 23, 2002; effective July 1, 2002, as specified by the Agency.

Rules 520-2-.04, .05, .10 have been amended. Filed February 14, 2002; effective March 6, 2002.

Rule 520-1-.29 has been amended. Filed April 11, 2002; effective July 1, 2002, as specified by the Agency.

Rule 520-2-.04 has been amended. Filed April 11, 2002; effective May 1, 2002.

Rules 520-1-.02, .03, .04 have been amended. Filed May 9, 2002; effective May 29, 2002.

Chapter 520-4 has been amended. Filed December 11, 2002; effective December 31, 2002.

Rule 520-2-.07 has been amended. Filed May 15, 2003; effective June 4, 2003.

Rule 520-1-.29 has been amended. Filed July 9, 2003; effective July 29, 2003.

Chapter 520-1 has been repealed and a new Chapter adopted. Filed November 12, 2003; effective December 2, 2003.

Rules 520-1-.04, .05, 520-2-.03, 520-3-.02 and .04 have been amended. Filed December 10, 2003; effective December 30, 2003.

Rule 520-1-.05 has been amended. Filed February 11, 2004; effective March 2, 2004.

Rule 520-2-.06 has been amended. Filed April 15, 2004; effective May 5, 2004.

Rule 520-3-.02 has been amended. Filed June 9, 2004; effective June 29, 2004.

Rules 520-1-.02, .04, .09 to .11 have been amended. Filed September 21, 2004; effective October 11, 2004.

Rules 520-1-.01, .04, and .09 have been amended. Filed December 8, 2004; effective December 28, 2004.

Rules 520-1-.04 and .10 have been amended. Filed January 14, 2005; effective February 3, 2005.

Rules 520-1-.09 and .11 have been amended. Filed March 9, 2005; effective March 29, 2005.

Chapter 520-2 has been repealed and a new Chapter adopted. Chapter 520-3 has been repealed. Filed May 2, 2005; effective May 22, 2005.

Rules 520-1-.04 and .09 have been amended. Filed June 8, 2005; effective June 28, 2005.

Rules 520-1-.04, .05, and .11 have been amended. Filed December 19, 2005; effective January 8, 2006.

Rule 520-2-.04 has been amended. Filed January 12, 2006; effective February 2, 2006.

Rules 520-1-.04 and .05 have been amended. Filed February 15, 2006; effective March 7, 2006.

Rules 520-1-.02 and .04 have been amended. Filed August 9, 2006; effective August 29, 2006.

Rule 520-1-.04 has been amended. Filed October 12, 2006; effective November 1, 2006.

Rules 520-1-.02, .04, .05, .10, 520-2-.03 and .04 have been amended. Filed August 15, 2007; effective September 4, 2007.

Rule 520-1-.08 has been amended. Filed March 12, 2009; effective April 1, 2009.

Rules 520-1-.10 and .14 have been amended. Filed October 16, 2009; effective November 5, 2009.

Rules 520-2-.01, 520-2-.02, 520-2-.03, 520-2-.04 amended. F. Nov. 2, 2011; eff. Nov. 22, 2011.

Rules 520-1-.04 and 520-1-.05 amended. F. June 5, 2013; eff. June 25, 2013.

Rules 520-1-.03, 520-1-.04, 520-1-.14 and 520-2-.05 amended. F. Jan. 24, 2014; eff. Feb. 15, 2014, as specified by the Agency.

Rules 520-1-.05 and 520-1-.09 amended. F. Apr. 7, 2014; eff. May 1, 2014, as specified by the Agency.

Rule 520-2-.04 amended. F. July 10, 2014; eff. Aug. 1, 2014, as specified by the Agency.

Rules 520-1-.05 and 520-2-.04 amended. F. Aug. 14, 2014; eff. Sep. 3, 2014.

Rule 520-1-.07 amended. F. Oct. 10, 2014; eff. Nov. 1, 2014, as specified by the Agency.

Rules 520-1-.08, .14 amended. F. May 18, 2016; eff. June 1, 2016, as specified by the Agency.

Rules 520-2-.03, .04 amended. F. June 9, 2016; eff. June 29, 2016.

Rules 520-1-.02, .04 amended. F. Aug. 28, 2017; eff. July 1, 2017, as specified by the Agency.

Rule 520-2-.04 amended. F. Jan. 21, 2020; eff. July 1, 2020, as specified by the Agency.

Chapter 520-1. LICENSURE AND BROKERAGE.

Rule 520-1-.01. Organization of the Commission.

(1) **Location of Offices.** The public may obtain information regarding the operation of the Commission or make submissions to the Commission by addressing inquiries to the Georgia Real Estate Commission, Suite 1000 - International Tower, 229 Peachtree Street, N. E., Atlanta, Georgia 30303-1605.

(2) **Election of Chair.** At the regularly scheduled first monthly meeting of the calendar year, the Commission shall select from its members the chair. An election of the chair may also occur at such time as the chair may vacate that position or at such time as the number of members which constitutes a quorum may call for a new election. Such election shall be by secret ballot with all eligible members listed on the first ballot and balloting continuing until a member obtains a majority of the votes cast.

(3) **Election of Vice Chair.** At its regularly scheduled first monthly meeting of the calendar year, the Commission shall select from its members the vice-chair. An election of the vice-chair may also occur at such time as the vice-chair may vacate that position or at such time as the number of members which constitutes a quorum may call for a new election. Such election shall be by secret ballot with all members listed on the first ballot and balloting continuing until a member obtains a majority of the votes cast. The vice-chair shall preside in the absence of the chairperson and perform such other duties as may be assigned by the chair.

(4) **Appearances before the Commission.** Except as may otherwise be provided for in the contested cases in Chapter 520-4 Procedural Rules and in the Georgia Administrative Procedure Act, all requests for appearances before the Commission shall be governed by the provisions of this paragraph. All requests for scheduled appearances before the Commission shall be submitted in writing to the Real Estate Commissioner at the address listed in paragraph (1) above. The Real Estate Commissioner shall schedule an appearance at the Commission's regular monthly meeting for the first three persons or groups submitting a written request to the Commission offices during regular business hours on or before the first day of the month preceding the monthly meeting at which such person or group desires to be heard. Any person not scheduled to be heard by the Commission who desires to be heard may, at the discretion of the Commission, be allowed to appear before the Commission at the end of its scheduled business at any monthly meeting. Except by leave of the Commission, all scheduled appearances before the Commission shall be limited to fifteen minutes and all unscheduled appearances before the Commission shall be limited to five minutes.

(5) **Amendments to Rules.** Any interested person may petition the Commission requesting the promulgation, amendment, or repeal of a rule. Such petition shall be in writing and the signature of the petitioner notarized. Within thirty (30) days after submission of a petition, the Commission either shall deny the petition in writing stating its reasons for denial or shall instigate rule-making procedures in accordance with the Georgia Administrative Procedure Act.

(6) **Declaratory Rulings.** The Commission shall supply declaratory rulings as to the applicability of any statutory provision or of any of its rules. Requests for declaratory

rulings must be in writing and the signature of the petitioner notarized. The Commission shall respond to a request for a declaratory ruling within sixty (60) days of its receipt of said request except when the Commission feels it would be in the best interest of the Commission to seek the opinion of the Attorney General. Nothing in this paragraph shall limit or impair the right of the Commission to seek the opinion of the Attorney General on any question of law connected with the duties of the Commission. The Commission shall not render a declaratory ruling on petitions on matters related to investigative hearings pending before it at the time of the petition. See also O.C.G.A. § 43-40-2 and Rules 520-4.

Cite as Ga. Comp. R. & Regs. R. 520-1-.01
Authority: O.C.G.A. Sec. 43-40-2.
History. Original Rule entitled "Organization of Commission" adopted. F. and eff. June 30, 1965.
Amended: ER. 520-1-0.1-.01 entitled "Listings" adopted. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Organization" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: F. Aug. 18, 1977; eff. Sept. 7, 1977.
Repealed: New Rule of same title adopted. F. Sept. 7, 1978; eff. Oct. 1, 1978, as specified by the Agency.
Amended: F. Jan. 15, 1979; eff. Feb. 4, 1979.
Amended: F. May 7, 1980; eff. June 1, 1980, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Oct. 4, 1989; eff. Oct. 24, 1989.
Amended: F. Feb. 9, 1995; eff. Mar. 1, 1995.
Repealed: New Rule entitled "Organization of the Commission" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Dec. 8, 2004; eff. Dec. 28, 2004.

Rule 520-1-.02. Definitions.

(1) **Terms Defined by 43-40-1.** As used in this Chapter and Chapters 520-2 and 520-3, the terms "associate broker," "broker," "commission," "commissioner," "community association," "community association management services," "community association manager," "licensee," "person," "property management services," "purchaser," "real estate," and "salesperson" have the same definitions as provided for in O.C.G.A. Section 43-40-1.

(2) Other Terms. As used in this Chapter and Chapters 520-2 and 520-3, the term:

(a) "Agency" means every relationship in which a real estate broker acts for or represents another by the latter's express authority in a real property transaction;

(b) "Applicant" means any person who has completed all of the requirements for a license or an approval as set forth in O.C.G.A. Chapter 43-40 and in any Chapter of the Commission's Rules and Regulations and who has submitted a complete application on the proper form accompanied by the correct fee;

(c) "Bank" means any financial institution regulated by a member of the federal financial institutions examination counsel and authorized to provide federally insured checking accounts;

(d) "Brokerage engagement" means a written contract wherein the seller, buyer, landlord, or tenant becomes the client of the broker and promises to pay the broker a valuable consideration or agrees that the real estate broker may receive a valuable consideration from another in consideration of the broker's producing a seller, buyer, tenant, or landlord ready, able, and willing to sell, buy, or rent the property or in consideration of the broker's performing property management services or performing community association management services. Such contracts or agreements as an exclusive listing contract, an open listing contract, a buyer broker agreement, a property management agreement, a community association management agreement, and an exclusive tenant representation contract are examples of brokerage engagements;

(e) "Brokerage relationship" means the agency and non-agency relationships which may be formed between the broker and the broker's clients and customers as a result of the brokerage engagement;

(f) "Buyer" means a purchaser, a person who acquired or attempts to acquire or succeeds to an interest in real estate;

(g) "Candidate for Licensure" means any person who is in the process of completing the requirements for a license or an approval as set forth in O.C.G.A. Chapter 43-40 and in any Chapter of the Commission's Rules and Regulations but who has not successfully completed all of them.

(h) "Client" means a person who has entered into a brokerage engagement with a real estate broker;

(i) "Customer" means a person who has not entered into a brokerage engagement with a broker but for whom a broker may perform ministerial acts in a real estate transaction;

(j) "Dual agent" means a broker who simultaneously has a brokerage relationship with both seller and buyer or both landlord and tenant in the same real estate transaction;

(k) "Firm" means a sole proprietorship, partnership, limited liability company, or corporation licensed by the Commission as a broker;

(l) "Franchise name" means any name, the use of which requires obtaining permission from another who has an existing and continuing right in that trade name by virtue of any state or federal law;

(m) "Franchisee" means a firm licensee authorized to use a franchisor's trade name as part of or in conjunction with the licensee firm's name;

(n) "Franchisor" means a business entity owning a trade name whose use by others the owner of the trade name controls and authorizes;

(o) "Instructional hour" means a period of time of at least fifty minutes of instruction or other learning activity;

(p) "Military" means the United States armed forces, including the National Guard;

(q) "Military Spouse" means a spouse of a service member or transitioning service member;

(r) "Ministerial acts" means those acts which the broker or affiliated licensee performs for a person which do not require discretion or the exercise of the broker or affiliated licensee's own judgment;

(s) "Service Member" means an active or reserve member of the armed forces, including the National Guard;

(t) "Statutory overnight delivery" means delivery of a document through the United States Postal Service or through a commercial firm which is regularly engaged in the business of document delivery or document and package delivery in which the sender:

1. has directed that delivery be not later than the next business day following the day on which the document is received for delivery by the United States Postal Service or the commercial firm and

2. receives a receipt acknowledging receipt of the document signed by addressee or an agent of the addressee;

(u) "Transitioning Service Member" means a member of the military on active duty status or on separation leave who is within twenty-four months of retirement or twelve months of separation; and

(v) "Timely" means a reasonable time under the particular circumstance.

Cite as Ga. Comp. R. & Regs. R. 520-1-.02
Authority: O.C.G.A. §§10-6A-3,43-40-2,43-40-25.
History. Original Rule entitled "Net Listings" adopted as ER. 520-1-0.1-.02. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Listings" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Definitions" adopted. F. Apr. 7, 1994; eff. Apr. 27, 1994.
Amended: F. Dec. 15, 1994; eff. Jan. 4, 1995.
Amended: F. July 21, 1995; eff. August 10, 1995.

Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: F. Aug. 10, 2000; eff. Aug. 30, 2000.
Amended: F. May 9, 2002; eff. May 29, 2002.
Repealed: New Rule of same title adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Sept. 21, 2004; eff. Oct. 11, 2004.
Amended: F. Aug. 9, 2006; eff. Aug. 29, 2006.
Amended: F. Aug. 15, 2007; eff. Sept. 4, 2007.
Amended: F. Aug. 28, 2017; eff. July 1, 2017, as specified by the Agency.

Rule 520-1-.03. Commission Operations.

(1) **Certifications of License History.** Upon written request the Commission shall provide a certification of the history of a licensee's records with the Commission only for the five years immediately preceding the written request. However, regardless of the date of occurrence, the Commission shall provide a certification of any records it maintains of any disciplinary sanctions taken against the license of any licensee. Whenever the certification is to be utilized in a court of law, the party making the written request for the certification shall also indicate the name of the case, its case number, and the name of the court in which the certification will be used.

see also O.C.G.A. § 43-40-2, 43-40-6, & 43-40-24.

(2) **Maintenance of Records**. The Commission shall maintain investigative files under the following schedules:

(a) forty years for all investigative files in which the Commission imposes a disciplinary action or makes a payment from the Recovery Fund; and

(b) fifteen years for all other investigative files.

see also O.C.G.A. § 43-40-2, 43-40-3, 43-40-7, 43-40-12, 43-40-14, 43-40-16, 43-40-19, & 43-40-20.

(3) **Return of Wall Certificate and Pocket Card Surrender, Suspension, or Revocation of License.** Upon surrendering a license or upon notice of suspension or revocation of a license, a licensee shall forward the licensee's wall certificate of licensure and pocket card at once to the Commission. If such license is that of a broker, such broker shall also forward to the Commission with the broker's wall certificate of licensure and pocket card all other licensees' wall certificates of licensure and pocket cards in the broker's possession or office and shall be responsible for all missing wall certificates of licensure of other licensees affiliate d with the broker's firm. No refund of fees will be made upon any license when surrendered, suspended, or revoked. Any licensee who surrenders a license to the Commission or whose license is revoked by the Commission and who later seeks reinstatement of that license must apply for licensure as an original applicant.

see also O.C.G.A. § 43-40-2 & 43-40-14.

Cite as Ga. Comp. R. & Regs. R. 520-1-.03
Authority: O.C.G.A. Secs. 10-4A-3, 10-6A-4, 43-40-2, 43-40-25.
History. Original Rule entitled "Advertising" adopted as ER. 520-1-0.1-.03. F. and eff. July 12, 1973, the date of adoption.
Amended: Rule entitled "Net Listings" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: Rule entitled "Brokerage Engagements" adopted. F. Apr. 7, 1994; eff. Apr. 27, 1994.
Amended: F. May 9, 2002; eff. May 29, 2002.
Repealed: New Rule entitled "Commission Operations" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Jan. 24, 2014; eff. Feb. 15, 2014, as specified by the Agency.

Rule 520-1-.04. Obtaining a License.

(1) **Fees.** Whenever an individual applicant activates an original license, that applicant shall pay an activation fee and a renewal fee which shall cover all fees due the Commission until the applicant's month of birth in the fourth calendar year following the calendar year in which the license was activated. Whenever a firm applicant activates an original license, that firm shall pay an activation fee and a renewal fee which shall cover all fees due the Commission until the month of the fourth anniversary of the activation of a license by the firm.

(a) Fees for all licenses and services performed by the Georgia Real Estate Commission shall be as follows:

1. The activation fee for original licensure as an individual broker, associate broker, salesperson, community association manager shall be $45.00 which includes $20.00 for the Real Estate Education, Research, and Recovery Fund; and the activation fee for original licensure as a firm or an approved school or instructor shall be $75.00 which includes $20.00 for the Real Estate Education, Research, and Recovery Fund;

2. Renewal fees for the four year renewal period shall be $125.00 for each firm licensed as a broker and each approved school and $125.00 for each individual licensee and each approved instructor if submitted and paid in any manner other than through the Commission's Internet on-line renewal system and $100.00 for each firm licensed as a broker and $100.00 for each individual licensee and each approved instructor if submitted and paid through the Commission's Internet on-line system.

3. In addition to the renewal fee due, the fee for reinstatement of any license or approval which lapsed for nonpayment of fees or for failure to meet education requirements shall be as follows:

i. if the license or approval is reinstated within four months of the date of lapsing, $100.00;

ii. if the license or approval is reinstated more than four months after the date of lapsing, $100.00 plus an additional fee of $25.00 for an individual or instructor or $50.00 for a firm or school for each month or portion of a month beyond six months from the date of lapsing; and

4. $25.00 (1) for failure to notify the Commission in writing within 30 days of a change of address, of the opening or closing of a designated trust account, of transferring to a new company, or of leaving a firm to go on inactive status; (2) for failure to affiliate with a new company or to apply to go on inactive status within 30 days of the Commission's receipt of notice that the broker holding the licensee's license no longer wishes to do so and has mailed a letter to the licensee's last known address indicating that the broker is returning the license to the Commission; and (3) whenever it is necessary for the Commission to return an application because of the application is incomplete;

5. $100.00 for submitting to the Commission a check that is returned unpaid or for disputing a charge to a credit card for a fee owed to the Commission when the dispute results in a chargeback to the Commission's account; and

6. Whenever an instructor or school applicant applies for an original approval, that applicant shall pay an activation fee and a renewal fee which shall cover all fees due the Commission until December 31st in the fourth calendar year following the calendar year in which the applicant's approval is granted.

(2) **Required Experience for Brokers License.**

(a) When a candidate for licensure seeks to meet the experience requirement for a broker's or an associate broker's license based on experience in another licensing jurisdiction and that jurisdiction's licensing agency is unable to certify that the applicant maintained a license in active status for at least three of the five years immediately preceding the filing of an application with the Commission because complete records are not available, the candidate for licensure must meet the following two conditions in order for the Commission to consider the application:

1. the candidate for licensure obtained the experience within five years prior to date of making application in Georgia; and

2. the candidate for licensure's former licensing jurisdiction is able to certify that the applicant was licensed at some time during the prior five years;

(b) In addition, to the requirements of paragraph (a) above, the Commission may consider other credible evidence of the required experience such as:

1. transactions files reflecting real estate brokerage activity within the last five years;

2. an affidavit from any licensed broker with whom the applicant was affiliated and who remains currently licensed stating that (1) the broker is licensed, (2) the dates that the applicant was affiliated with the broker, and (3) the approximate number and type(s) of transactions in which the applicant participated; or

3. if the candidate for licensure was a broker in the other state, an affidavit from the candidate for licensure stating that:

   (1) he or she was licensed,

   (2) the dates that the candidate for licensure was licensed,

   (3) the approximate number and type(s) of transactions in which the candidate for licensure participated, and

   (4) affidavits from three other brokers who can attest that the candidate for licensure operated as a broker and for what period of time.

(3) **Examinations.**

(a) Candidates for licensure must take a Commission approved examination and make a passing score as determined by psychometrically sound criterion-related methods associated with assessment of minimal competence. The methods used and the minimum passing score shall be published prior to the administration of the examination.

(b) Any candidate for licensure who served on active duty in the armed forces of the United States, or on active duty in a reserve component of the armed forces of the United States including the National Guard, for a period of one year or more, of which at least 90 days were served during wartime or during any conflict when military personnel were committed by the President of the United States, shall be entitled to a credit of five points. If such candidate for licensure is taking the examination in order to become licensed as a community association manager or a salesperson, said points shall be added to the grade made by the candidate for licensure in answering all questions in any such examination. If such candidate for licensure is taking the examination to become licensed as a broker, said points shall be added to the grade such candidate for licensure makes on the Information Gathering section of the examination and to the grade such candidate for licensure makes on the Decision Making section of the examination.

(c) Any candidate for licensure who is disabled who served on active duty in the armed forces of the United States, or on active duty in a reserve component of the armed forces of the United States including the National Guard, during wartime or during any conflict when military personnel were committed by the President of the United States shall be entitled to a credit of five points if the disability was for an injury or illness incurred in line of duty and such disability is officially rated at less than 10 percent at the time of taking said examination. If such candidate for licensure is taking the examination in order to become licensed as a community association manager or a salesperson, said points shall be added to the grade made by the candidate for licensure in answering all questions in any such examination. If such candidate for licensure is taking the examination to become licensed as a broker, said points shall be added to the grade such candidate for licensure makes on the Information Gathering section of the examination and to the grade such candidate for licensure makes on the Decision Making section of the examination.

(d) Any candidate for licensure who is a disabled veteran and who served on active duty in the armed forces of the United States, or on active duty in a reserve component of the armed forces of the United States, including the National Guard, during wartime or during any conflict when military personnel were committed by the President of the United States shall be entitled to a credit of ten points if the disability was for an injury or illness incurred in line of duty and such disability is rated at 10 percent or above at the time of taking said examination. If such candidate for licensure is taking the examination in order to become licensed as a community association manager or a salesperson, said points shall be added to the grade made by the candidate for licensure in answering all questions in any such examination. If such candidate for licensure is taking the examination to become licensed as a broker, said points shall be added to the grade such candidate for licensure makes on the Information Gathering section of the examination and to the grade such candidate for licensure makes on the Decision Making section of the examination.

(e) The provisions of paragraphs (b), (c), and (d) above as to points to be allowed to veterans shall apply to any candidate for licensure, male or female, who comes within the classes herein specified; except that they shall not apply in any instance to a candidate for licensure who has not been honorably discharged.

(f) Any candidate for licensure seeking to qualify for veterans preference points under the provisions of paragraphs (b), (c), (d), and (e) above must:

1. have served in a branch of the armed forces which participated in the war or conflict during which the candidate for licensure served at least ninety (90) days of active duty;

2. have served at least ninety (90) days during a period of time when the Congress of the United States formally declared a state of war or when the

Joint Chiefs of Staff authorized issuance of a campaign badge for service in a campaign or expedition in which the President committed military personnel; and

3. submit proof of the candidate's service on official forms available through the Veterans Administration or the Department of Defense which clearly identify active duty time and percentage of disability for an injury or illness incurred in line of duty.

(g) A candidate for licensure for licensure who has moved to Georgia from another state or a candidate for licensure for non-resident licensure may be granted a license without further examination or education if such candidate for licensure produces, from the licensing body of each state which has licensed the candidate for licensure, an original certification issued no more than twelve months prior to the candidate for licensure making application for licensure which shows that the candidate for licensure:

1. has passed an examination for the type of license for which such candidate for licensure seeks licensure in Georgia;

2. has met all prelicense and continuing education requirements required by such other state(s) for that license;

3. is licensed in good standing at the time of the certification; and

4. has not had any disciplinary action imposed by such state's licensing body. A candidate for licensure whose certification from the other state(s) does not comply with all of the conditions in the preceding sentence must take and pass the qualifying examination for the Georgia license which such candidate for licensure seeks. Rather than the written certification required of applicants by this paragraph, the Commission, in its sole discretion, may choose to accept some electronic form of the certified data from other states, which applicants must submit, or by some other procedure that reduces paperwork.

(h) If the criminal history report from another state of such a candidate for licensure a prior criminal conviction(s) or if the candidate for licensure has a prior professional license disciplinary action, the candidate for licensure shall comply with the provisions in paragraphs (8) and (9) of this rule and said candidate for licensure shall be subject to the provisions of 43-40-15 (a) et seq.

(i) Any examinee, applicant, candidate for licensure, or licensee who without proper authorization supplies to others, or attempts to supply to others, any information concerning the content of any qualifying examination, administered by or

approved by the Commission shall be grounds for denial of license or the imposition of any sanction permitted by O.C.G.A. Section 43-40-25.

(j) Approved instructors, approved schools, or their staff members are prohibited from:

1. obtaining from examinees information concerning the content of any qualifying examination administered by or approved by the Commission;

2. accepting such information except as provided or approved by the Commission; and

3. using such information in non-approved courses operated by or in association with any approved instructor or approved school or their staff. Violation of this paragraph may be grounds for denial of approved status, withdrawal of approved status, suspension of approved status, or imposing any sanction permitted by O.C.G.A. Section 43-40-25 upon both instructors and school.

(k) Unless a person first obtains written permission of the Commission, a person may not take any qualifying examination offered by the Commission except:

1. to qualify for or to reinstate the license for which the examination is designed;

2. when:

   a. such person holds a license issued by the Commission by reciprocity rather than by examination,

   b. such person is applying to another state for licensure by reciprocity, and

   c. the state to which such person is applying requires that an applicant for reciprocity must have passed an examination in Georgia as a condition of receiving a license by reciprocity in that state; or

3. when such person is required to take a qualifying examination by an Order of the Commission in a disciplinary matter.

(4) **Applications.** Applications for licensure, for renewal of license, for transfer of license, for any change in status of a license, and for any change in the name of a firm required to be filed with the Commission, must be on Commission approved forms. Each Commission approved form may require the email address of an applicant and his or her affiliated firm (s), if an email address is maintained by such applicant or firm. Changes in other information required to be filed with the Commission such as changes in trust

accounts, address changes, email address changes and individuals' name changes may be done by letter or email.

(a) Any such application, change of information, or fee required to be filed with the Commission may be filed with the Commission by:

1. personal delivery to the Commission's offices during regular business hours;
2. mail in a letter postmarked by the United States Postal Service;
3. private courier or delivery service; or
4. electronic facsimile (fax) transmission or email if the application does not require the payment of a fee.

(b) The effective date of the filing of the application or fee shall be the United States Postal Service postmarked date, if mailed, or if otherwise filed, the date the Commission dates receipt of the application or fee. In the event that receipt by the Commission of an application or fee occurs later than the deadline for the filing of such application or fee, the applicant or licensee shall bear the burden of proof that the application or fee was timely filed.

(c) If an applicant or a candidate for licensure submits an application on a form which is no longer in use by the Commission and pays the correct fee in effect on the date of the application, the Commission may require the applicant to submit a new application on its latest form at no further cost to the applicant.

(d) A licensee, an applicant, or a candidate for licensure must supply all information requested on any form the licensee submits to the Commission. Failure to supply all information shall cause the application to be incomplete. An application is incomplete if the applicant or a candidate for licensure fails to include the proper fee, to attach any required documents, to provide all requested biographical or other data, to include required signatures, or to include legible responses. Failing to disclose each and every criminal conviction, as defined by O.C.G.A. § 43-40-15(a), or license disciplinary action that the applicant may have in this state or any other jurisdiction may constitute a falsified application.

(e) The Commission may assess the fees cited in Substantive Regulation 520-1-.04(1) on any incomplete application and may return any incomplete application, or any obsolete application, or any application on a non-approved form to a licensee or applicant by mail at either (1) the address listed on the incomplete or incorrect application or (2) the last known business address of record in the Commission's files if the incomplete or incorrect application contains no address.

(f) The Commission will provide reasonable accommodation to a qualified candidate for licensure with a disability in accordance with the Americans With Disabilities Act. The request for an accommodation by an individual with a disability must be

made in writing and received in the Commission's office by the application deadline along with appropriate documentation, as indicated in the Commission's *Request for Disability Accommodation Guidelines*.

(g) Whenever an applicant or a candidate for licensure submits to the Commission an original application on paper for licensure as, including but not limited to, a broker, an associate broker, a salesperson, a community association manager, a sole proprietor firm, a corporation, a limited liability company, or a partnership or for approval as a school or an instructor, the Commission shall maintain the paper record for a period of 15 years and may then destroy the application. Whenever a licensee submits any other application to the Commission on paper, the Commission shall maintain the paper record for a period of one year and may then destroy the application. The Commission shall maintain all electronic licensing records for a period of at least 15 years.

(5) **Application Deadlines.**

(a) Any person who has taken the community association manager's examination and successfully passed the examination and any person who has taken the salesperson's examination and successfully passed the examination must make application for an active or inactive license within three months from the date of the examination taken, or after three months, must pay a fee equal to two times the original application fee. Any person who fails to activate a community association manager's or a salesperson's license by making application therefore within twelve months from the date of the examination taken must retake the examination. In addition to passing the qualifying examination, an applicant who applies for a community association manager's license must submit evidence of successful completion of the Community Association Manager's Prelicense Course (or an approved equivalency as set forth in Chapter 520-2) and an applicant who applies for a salesperson's license must submit evidence of successful completion of the Salesperson's Prelicense Course (or an approved equivalency as set forth in Chapter 520-2).

(b) Any person who has taken the broker's examination and successfully passed the examination must activate a broker's or associate broker's license by making application therefore within 12 months from the date of the examination taken, or after 12 months must retake the examination. An applicant must show proof of having held a license in active status for at least three years of the five years immediately preceding the filing of an application to become a broker or an associate broker. Applicants whose prior active licensure was in a licensing jurisdiction other than Georgia must present an original certification of licensure from that licensing jurisdiction; and if the applicant was a broker in that licensing jurisdiction, the applicant must present an original certification of licensure of the firm or firms the applicant served as broker. The certification of licensure must

have been issued no more than twelve months prior to the applicant's making application.

(6) **Name of Firm on Application.**

(a) A broker operating as a sole proprietor shall supply the Commission with the name in which the broker intends to conduct business on the broker's application for licensure as a sole proprietor and the same name shall be shown on the broker's certificate of licensure.

(b) Any corporation applying for licensure as a broker shall submit with its application a copy of its corporate charter as registered with the Corporation Division of the Secretary of State's Office. In the event a corporation wishes to conduct business under a trade name, it shall also submit with its application a certified copy of its trade name, certified to by the Clerk of the County in which such certificate is on file. The corporate name as is shown on the corporate charter, or the trade name which appears on said certified copy, if the corporation has filed a trade name registration, shall be shown on the broker's certificate of licensure issued to the corporation. In the event a corporation chooses to conduct business under a trade name or change the name under which it is conducting business at any time after issuance of its initial certificate of licensure, it shall submit a certified copy of its trade name; and such trade name shall be shown on a new broker's certificate of licensure issued the corporation.

(c) Any partnership applying for licensure as a broker shall submit with its application a copy of its partnership agreement and a certified copy of its Certificate of Trade Name, certified to by the Clerk of the County in which such certificate is on file. The trade name that appears on said certified copy shall be shown on the broker's certificate of licensure issued to the partnership.

(d) Any limited liability company applying for licensure as a broker shall submit with its application a copy of its certificate of authority to transact business in Georgia as issued by the Secretary of State's office. In the event a limited liability company wishes to conduct business under a trade name, it shall also submit with its application a certified copy of its trade name, certified to by the clerk of the county in which such certificate is on file. The limited liability company's name that appears on its certificate of authority to transact business in Georgia, or the trade name which appears on the certified copy of its trade name, if the limited liability company has filed a trade name registration, shall be shown on the broker's certificate of licensure issued to the limited liability company. In the event a limited liability company chooses to conduct business under a trade name or change the name on its certificate of authority to transact business in Georgia at any time after issuance of the initial certificate of licensure, it shall submit a certified copy of its trade name or a copy of its revised certificate of authority to

transact business in Georgia; and such new name shall be shown on its broker's certificate of licensure.

(e) The trade name of any franchisee applying for licensure as a broker shall include the franchise name in a manner reasonably calculated to discern it from any other firm registered with the Commission by including both the franchise name and either: said firm's name as it appears on its corporate charter, partnership agreement, or certificate of authority to transact business in Georgia; or said firm's trade name, unique from the franchise name, as registered with each county in which it is doing business.

(7) **Criminal History Report.** No more than 60 days prior to making application, each candidate for licensure or applicant for a license or an instructor approval shall obtain, at the expense of the candidate for licensure or applicant, and attach to the application for licensure or approval:

(a) a certified criminal history report issued by the Georgia Crime Information Center of the Georgia Bureau of Investigation, indicating whether the candidate for licensure or the applicant has any record of a criminal history;

(b) for candidates for licensure or applicants for licensure who have not lived in Georgia, a certified criminal history report from their resident state, province, or territory that is equivalent to the report required in sub-paragraph (a) of this sub-section.

If that report indicates that the candidate for licensure or the applicant has a record in another jurisdiction, or if the applicant is unable to obtain a report as set forth in subparagraph (b) of this sub-section, the applicant must, at the applicant's expense, provide any necessary fingerprints, fees, authorization, or other requirements for the Commission to obtain a Federal Crime Information Center report from the Federal Bureau of Investigation.

(8) **Applicants with Convictions.** Whenever a candidate for licensure or an applicant reveals that such candidate or applicant for licensure has a criminal conviction, as that term is defined in O.C.G.A. Section 43-40-15(b)(1)(A), and whenever any licensee is convicted of any offense that the licensee is required to report to the Commission, such candidate for licensure, applicant, or licensee must supply to the Commission a certified copy of:

(a) the citation, accusation, information, or indictment that led to the conviction; and

(b) a certified copy of the sentence.

(9) **Applicants with Disciplinary Actions.** Whenever a candidate for licensure or an applicant reveals that such candidate or applicant for licensure, has been the subject of a disciplinary action before any licensing agency, and whenever any licensee has been the subject of a disciplinary action before any licensing agency that the licensee is required to

report to the Commission, such candidate for licensure, applicant, or licensee must supply the Commission with a certified copy of:

(a) any allegations that preceded the final order; and

(b) the final order of that licensing agency.

(10) **Incomplete Applications.** The Commission, in its discretion, may deem an application for licensure as incomplete unless the requirements of paragraphs (1) and (2) are met and may elect not to process such an application unless and until those requirements are met.

(11) **Preliminary Decisions for Candidates for Licensure Having Convictions or Disciplinary Actions.** The Official Code of Georgia Annotated Section 43-40-15 provides in part that the Commission may deny a license to an applicant who has a prior criminal conviction(s) or a disciplinary action(s) imposed by any occupational licensing body. An applicant for licensure is a person who has met all experience, education, and examination requirements for the license sought. Because of the time and expense involved in becoming an applicant for licensure, the Commission affords an individual who has not yet become an applicant the opportunity to request that the Commission make a preliminary decision on the conviction(s) or the prior disciplinary action(s) before the individual takes the required education and examination for license. The purpose of a preliminary decision is merely to provide advisory guidance. Preliminary decisions are not binding. However, the Commission may elect to allow a favorable preliminary decision to become its final decision without further investigation or hearing when the individual becomes an applicant for licensure.

(a) Required Information. An individual seeking a preliminary decision must submit to the Commission a certified copy of any indictment and conviction or a disciplinary action imposed by another licensing regulatory authority. An individual seeking a preliminary decision may also provide the Commission with any additional information that the individual believes may assist the Commission in rendering a preliminary decision.

(b) Adverse Preliminary Decisions. A preliminary decision by the Commission that is unfavorable to the individual shall not prevent the individual from becoming an applicant for licensure by successfully completing all education, experience, and examination requirements for the license. Whenever the Commission denies a license based on a prior conviction or prior disciplinary action, it must provide the applicant the opportunity for notice and a hearing.

(12) **Request for hearing after Commission Denies an Application.** If the Commission denies an application for licensure or reinstatement of licensure after an applicant has met the age, education, and examination requirements as described in O.C.G.A. Section 43-40-8 and 43-40-9 and the Rules and Regulations of the Commission and has paid all required fees for the license, that applicant may request a formal hearing concerning that denial. The applicant must make that request in writing to the Real Estate Commission

within sixty (60) days of the Commission's mailing notice to the applicant to the address on the application that the Commission has reviewed the applicant's application and voted to deny the application.

(a) If the applicant does not make written application for a formal hearing within sixty (60) days the application shall lapse and the applicant may not make another application for a license without again standing and passing any qualifying examination that may be required for that license and paying any required fees.

(b) If the applicant makes written application for a formal hearing within sixty (60) days and is granted the opportunity for a formal hearing and the Commission affirms its denial of the application, the applicant may not make another application for a license without again standing and passing any qualifying examination that may be required for that license and paying any required fees.

(13) **Military Spouses and Transitioning Service Member Applications.** Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of any license application submitted to the Commission by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied.

Cite as Ga. Comp. R. & Regs. R. 520-1-.04
Authority: O.C.G.A. §§43-40-2, 43-40-3.1, 43-40-7, 43-40-9, 43-40-13, 43-40-14, 43-40-16, 43-40-25.
History. Original Rule entitled "Purchasing Equities" adopted as ER. 520-1-0.1-.04. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Advertising" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: F. Dec. 21, 1976; eff. Jan. 10, 1977.
Repealed: New Rule of the same title adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: F. June 13, 1979; eff. July 3, 1979.
Amended: F. May 7, 1980; eff. June 1, 1980, as specified by the Agency.
Amended: F. Nov. 13, 1981; eff. Dec. 2, 1981.
Amended: F. Mar. 11, 1982; eff. Mar. 31, 1982.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. Feb. 10, 1983; eff. Mar. 3, 1983, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Feb. 12, 1987; eff. Mar. 4, 1987.
Amended: F. May 15, 1989; eff. July 1, 1989, as specified by the Agency.
Amended: F. Sept. 13, 1990; eff. Oct. 3, 1990.
Amended: F. Nov. 16, 1993; eff. Dec. 6, 1993.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.
Amended: F. July 19, 1994; eff. August 8, 1994.
Amended: F. Dec. 15, 1994; eff. Jan. 4, 1995.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: F. Feb. 21, 1997; eff. Mar. 13, 1997.
Amended: F. Feb. 12, 1998; eff. Mar. 4, 1998.
Amended: F. Oct. 19, 1998; eff. Nov. 8, 1998.
Amended: F. May 13, 1999; eff. June 2, 1999.
Amended: F. June 10, 1999; eff. June 30, 1999.
Amended: F. Apr. 12, 2001; eff. May 2, 2001.

Amended: F. May 9, 2002; eff. May 29, 2002.
Repealed: New Rule entitled "Obtaining a License" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Dec. 10, 2003; eff. Dec. 30, 2003.
Amended: F. Sept. 21, 2004; eff. Oct. 11, 2004.
Amended: F. Dec. 8, 2004; eff. Dec. 28, 2004.
Amended: F. Jan. 14, 2005; eff. Feb. 3, 2005.
Amended: F. June 8, 2005; eff. June 28, 2005.
Amended: F. Dec. 19, 2005; eff. Jan. 8, 2006.
Amended: F. Feb. 15, 2006; eff. Mar. 7, 2006.
Amended: F. Aug. 9, 2006; eff. Aug. 29, 2006.
Amended: F. Oct. 12, 2006; eff. Nov. 1, 2006.
Amended: F. Aug. 15, 2007; eff. Sept. 4, 2007.
Amended: F. Jun. 5, 2013; eff. Jun. 25, 2013.
Amended: F. Jan. 24, 2014; eff. Feb. 15, 2014, as specified by the Agency.
Amended: F. Aug. 28, 2017; eff. July 1, 2017, as specified by the Agency.

Rule 520-1-.05. Maintaining a License.

(1) **Required Education.** O.C.G.A. Section 43-40-8(d) requires that each salesperson must furnish to the Commission within one year of the issuance of an original salesperson's license evidence of satisfactory completion of a post-license course of study of at least 25 instructional hours (other than the Salespersons Prelicense Course or Brokers Prelicense Course) approved by the Commission. Salespersons must have completed such course:

(a) no earlier than one year before the date of issuance of the original salesperson's license, or

(b) no later than either:

1. one year after the date of issuance of an original salesperson's license or

2. eighteen months after the date of issuance of an original salesperson's license if the salesperson qualifies for the six month extension of time authorized by the O.C.G.A. Section 43-40-8(d).

(c) if the salesperson is a non-resident who has successfully completed in his or her state of residence a post-license course substantially similar to Georgia's Salespersons Post-license Course prior to the issuance of a Georgia salesperson's license (or in the first year after being issued such a license), then such course shall be deemed to have met the requirements of O.C.G.A. Section 43-40-8(d).

(d) In order to renew an active license, a licensee shall furnish to the Commission evidence of satisfactorily completing thirty-six (36) instructional hours of continuing education courses during the renewal period. The effective date of this requirement shall be July 1, 2015. Any licensee who renews an active license on or after this date must have completed thirty-six (36) hours of continuing education courses to renew.

(e) A licensee shall satisfactorily complete at least three (3) hours of continuing education on the topic of license law during each renewal period. The effective date of this requirement shall be July 1, 2016. Any licensee who renews an active license on or after this date must have completed at least three (3) hours of continuing education on the topic of license law in order to renew.

(2) **Active or Inactive License.**

(a) Every active Georgia associate broker, salesperson, and community association manager shall be licensed under an active Georgia broker; and said associate broker, salesperson, or community association manager cannot be licensed under more than one Georgia broker during the same period of time. An active Georgia associate broker, salesperson, or community association manager may also affiliate a license issued by another state's real estate licensing regulatory body with a broker in that state provided:

1. said state's laws allow affiliations in both states; and

2. said Georgia resident associate broker, salesperson, or community association manager has the written permission of the broker holding his Georgia license to affiliate with a broker in another state and said written permission clearly delineates (1) the duties that the licensee may undertake for each broker and (2) that the licensee may not undertake brokerage activity on property located in Georgia except in behalf of the active Georgia broker.

(b) After making an original application for licensure to the Commission, a salesperson or a community association manager shall not commence work in real estate brokerage activities until the broker has received the licensee's wall certificate of licensure.

(c) After a licensee makes application to change the status of his or her license to a broker of a sole proprietorship or qualifying broker of a corporation, limited liability company, or partnership, the applicant shall not commence work in real estate brokerage activities until the applicant has received the wall certificate of licensure for the sole proprietorship, corporation, limited liability company, or partnership.

(d) Any licensee whose license is released by a broker shall not engage in the activities of a real estate broker until the licensee:

1. affiliates his or her license with a new broker and mails a Change Application to the Commission; or

2. receives from the Commission a wall certificate of licensure authorizing the licensee to serve as the broker of a sole proprietorship or the qualifying broker of a corporation, limited liability company, or partnership.

(e) Any licensee who seeks to activate a license which has been on inactive status shall be required to have satisfactorily completed the continuing education requirements which would have been required if such licensee had been on active status or in lieu thereof, requalifying as an original applicant.

(f) This requirement shall not apply to an inactive licensee who can furnish to the Commission evidence that he or she has met the continuing education requirement for each renewal period that his or her license has been on inactive status.

(g) Every active licensee seeking to perform real estate brokerage activity must do so as a broker or on behalf of a real estate broker. Inactive licensees may not perform real estate brokerage activity on any real estate except real estate owned solely by the inactive licensee. Real estate brokerage activity includes sales, leasing, community association management services, property management services, and any of the activities identified under the definition of "Broker" in O.C.G.A. Section 43-40-1.

(h) The license law contains an exception (not available to licensees) that allows an unlicensed person who is a full-time employee of an unlicensed person to perform real estate brokerage activity on property owned by that unlicensed person's employer.

(i) A licensee may not place the licensee's license on inactive status and perform real estate brokerage activity for an unlicensed person. Whenever a real estate licensee wishes to be employed by an unlicensed person in order to perform real estate brokerage activity on real estate owned by that unlicensed person, such licensee must first surrender such licensee's license to the Commission and may not reinstate that license without first qualifying as an original applicant.

(j) A licensee on inactive status may be an employee of an unlicensed person to perform work other than real estate brokerage activity for the unlicensed person.

(3) **Renewals**. Unless renewal fees are paid, all licenses issued under the provisions of paragraph (1) of this Rule will lapse:

(a) in the case of an individual license, on the last day of the month of the birthday of the individual licensee and

(b) in the case of a firm licensed as a broker on the last day of the month of the fourth anniversary of its original licensure.

(4) **Reinstatement of Lapsed License.**

(a) Any licensee whose license lapses due to nonpayment of fees or failure to satisfactorily complete any of the education requirements of O.C.G.A. Chapter 43-40 shall be prohibited from engaging in real estate brokerage activities as defined in O.C.G.A. Section 43-40-1 until such time as the license is reinstated.

(b) Any licensee who has been exempt from the continuing education requirements of O.C.G.A. Section 43-40-8(e), and whose license has lapsed for longer than one year from the date of lapsing, and who reinstates it by paying the fees cited in Rule 520-1-.04(1) shall thereafter be subject to the continuing education requirements of O.C.G.A. Section 43-40-8(e).

(c) Any licensee who fails to pay a renewal fee and allows an active license to lapse may reinstate that license to active status within two years of the date of lapsing by paying the fees cited in Rule 520-1-.04(1), provided the licensee has satisfactorily completed the continuing education requirements which would have been required if such licensee had been on active status.

(d) Any licensee who fails to pay a renewal fee and allows an inactive license to lapse may reinstate that license to active status within two years of the date of lapsing by paying the fees cited in Rule 520-1-.04(1) provided the licensee has satisfactorily completed the continuing education requirements which would have been required if such licensee had been on active status

(e) Any licensee who fails to pay a renewal fee and allows an inactive license to lapse may reinstate that license to inactive status within two years of the date of lapsing by paying the fees cited in Rule 520-1-.04(1).

(f) Any licensee who allows either an active or inactive license to lapse for a period longer than two years and less than five years from the date of lapsing may reinstate that license to active status by paying the fees cited in Rule 520-1-.04(1) and by satisfactorily completing the following educational course:

1. if the lapsed license is that of a community association manager, the Community Association Managers Prelicense Course;

2. if the lapsed license is that of a salesperson, the Salespersons Prelicense Course; or

3. if the lapsed license is that of a broker or associate broker, the Brokers Prelicense Course.

Courses taken to reinstate a license as provided in 1., 2. and 3. above must be taken within one year prior to making application for and paying the fees required for reinstatement.

(g) Any licensee who fails to pay a renewal fee and allows a license to lapse and who does not elect to reinstate the license under the provisions of paragraph (4) (c), (d), (e) or (f) of this Rule may reinstate the license by retaking and passing the appropriate qualifying examination for that license including the national portion of the examination.

(h) Any licensee whose license has lapsed a period of time longer than five years from the date of lapsing due to a failure to pay required fees and who desires to re-qualify for a license must do so as an original applicant.

(i) Any active licensee whose license lapses for not completing any continuing education required for renewal of a license shall automatically upon paying a renewal fee become an inactive licensee and subject to the rules which govern an inactive license.

(j) Any salesperson whose license lapsed for failure to satisfactorily complete the 25 instructional hours of post-license education required by O.C.G.A. Section 43-40-8(d) may reinstate the license only as provided in that Code section. Any such salesperson whose license has lapsed for a period of time longer than five years due to a failure to complete the post-license education requirements in a timely manner and who desires to re-qualify for a license shall do so by re-qualifying as an original applicant.

(k) Any licensee whose license lapses for any reason and who then applies to reinstate that license or any licensee whose license is on inactive status and who then applies to reactivate that license shall not commence work in real estate brokerage activities until:

1. if a broker, he or she has received the broker's certificate of licensure; or

2. if a community association manager, salesperson, or associate broker, the broker with whom the licensee is affiliated has received the licensee's certificate of licensure.

(5) **Notification of Legal Action and Change of Address**.

(a) Every licensee shall notify the Commission in writing of the final disposition of any administrative, civil, or criminal action filed in any court of competent jurisdiction or any administrative agency whenever that final disposition involves the subject matter of the offenses cited in O.C.G.A. Sections 16-13-111, 43-40-15, or 43-40-25. Such notice of any administrative or civil action shall be given to the Commission within ten (10) days of the conclusion of the court or administrative proceedings and shall include a copy of any final order entered by the court or agency. Such notice of any criminal action shall be given to the Commission within ten days of any conviction and shall include a copy of the indictment, accusation, and the conviction.

(b) Each licensee, approved school, or approved instructor must notify the Commission in writing within one month of any change in any such licensee's, approved school's, or approved instructor's mailing address or residence address, or email address if an email address is maintained by such licensee, approved school, or approved instructor.

(6) **Nonresident Licensure and Brokerage.**

(a) Nonresidents who meet the requirements prescribed in O.C.G.A. Section 43-40-9 and the Rules and Regulations of the Commission ma y be granted a nonresident's license.

(b) Licensees who remove their residency from this state to another state may qualify for nonresident licensure in accordance with O.C.G.A. Section 43-40-9 only if they make application to change their status from resident to nonresident, sign a Consent to Jurisdiction, and sign an agreement to cooperate with any investigation initiated by the Commission.

(c) A nonresident broker can serve as a qualifying broker for any corporation, limited liability company, or partnership licensed by the Commission. A nonresident broker can be the qualifying broker for an out-of-state corporation or limited liability company which becomes licensed by the Commission and is authorized by the Secretary of State's Corporation Division to do business in the State of Georgia.

(d) Licensees who move from this state to another state may elect to place their licenses on inactive status rather than seeking a nonresident's license to avoid termination of their license. Licensees who elect such inactive status may not then conduct brokerage business in this state until they have again become residents of this state and have complied with the reactivation provisions of O.C.G.A. Section 43-40-12 or have qualified for nonresident licensure as provided in paragraph (2) of this rule.

(e) Any nonresident licensee whose license lapses for failure to pay a renewal fee may reactivate that license by paying the fee required of an original applicant if such nonresident has maintained an active license in his or her state of residence during the period that his or her license lapsed and has met that state's continuing education requirements.

(f) No Georgia licensee may perform or attempt to perform any of the acts of a broker as defined in O.C.G.A. Section 43-40-1 on property located in another state without having first been properly licensed in that state or otherwise complied fully with that state's laws regarding real estate brokerage.

(g) An applicant for non-resident licensure must also comply with the requirements set forth in Rule 520-1-.04(3)(g).

(7) **Retention of Certificate of Licensure.** Upon making such request in writing to the

Commission, any licensee who retires after twenty years of active licensure or the family of any licensee who is deceased shall be allowed to retain the licensee's wall certificate of licensure and pocket card for non-brokerage purposes.

Cite as Ga. Comp. R. & Regs. R. 520-1-.05
Authority: O.C.G.A. Secs. 43-40-1, 43-40-2, 43-40-8, 43-40-9, 43-40-12, 43-40-14, 43-40-25.
History. Original Rule entitled "Offers to Purchase" adopted as ER. 520-1-0.1-.05. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Purchasing Equities" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: F. May 8, 1981; eff. June 1, 1981, as specified by the Agency.
Amended: New Rule entitled "Reinstatement of Inactive License" adopted. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Amended: F. Jan. 21, 1987; eff. Feb. 14, 1987, as specified by the Agency.
Amended: F. May 13, 1987; eff. July 1, 1987, as specified by the Agency.
Amended: Rule retitled "Reactivation of Inactive License" adopted. F. July 20, 1987; eff. August 9, 1987.
Amended: F. Apr. 17, 1990; eff. May 7, 1990.
Amended: F. Dec. 16, 1991; eff. Jan. 5, 1992.
Amended: F. July 11, 1997; eff. July 31, 1997.
Repealed: New Rule entitled "Maintaining a License" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Dec. 10, 2003; eff. Dec. 30, 2003.
Amended: F. Feb. 11, 2004; eff. Mar. 2, 2004.
Amended: F. Dec. 19, 2005; eff. Jan. 8, 2006.
Amended: F. Feb. 15, 2006; eff. Mar. 7, 2006.
Amended: F. Aug. 15, 2007; eff. Sept. 4, 2007.
Amended: F. Jun. 5, 2013; eff. Jun. 25, 2013.
Amended: F. Apr. 7, 2014; eff. May 1, 2014, as specified by the Agency.
Amended: F. Aug. 14, 2014; eff. Sept. 3, 2014.

Rule 520-1-.06. Brokerage Relationships.

(1) **Brokerage Engagements.**

(a) Each exclusive brokerage agreement must fully set forth its terms and have a definite expiration date.

(b) At the time of securing a brokerage engagement, the licensee securing it must furnish each person signing it a true copy thereof.

(c) The Commission prohibits the acceptance by brokers of net brokerage engagements and hereby makes it obligatory upon the broker, when securing the brokerage engagement, to add the broker's fee thereby notifying the client of the gross price of the property and the broker's services.

See also O.C.G.A.§§ 43-40-2 & 43-40-25.

(2) **Management Agreements.**

(a) Every written property management agreement or other written authorization to manage real property between a broker and the owners of the real property shall:

1. Identify the property to be managed;

2. Contain all the terms and conditions under which the property is to be managed;

3. Specify the terms and conditions on which the broker will remit property income to the owner and on which the broker will provide periodic written statements of property income and expenses to the owner, provided that the periodic written statements shall be submitted to the owner on at least an annual basis;

4. Specify which payments of property related expenses are to be made by the broker to third parties and how such payments are to be funded;

5. State the amount of fee or commission to be paid and when the fee or commission will be paid;

6. Specify whether security deposits and prepaid rents will be held by the broker or the owner;

7. Contain the effective date of the agreement and its termination date;

8. Provide the terms and conditions for termination of the property management agreement by the broker or the owner of the property; and

9. Contain signatures of broker and owner or their authorized agent.

(b) The licensee shall give to the owner or the owner's authorized agent a legible copy of every written property management agreement or other written authorization to manage real property at the time the signature of the owner is obtained; and the licensee's broker shall retain a copy.

See also O.C.G.A. §§ 43-40-2, 43-40-25, & 43-40-25.1.

(3) **Fidelity Bond or Insurance Required for Community Association Management.** Any broker who provides community association management services as defined in O.C.G.A. Section 43-40-1 and who collects, maintains, controls, has access to, or disburses community association funds shall be covered at all times under a fidelity bond or fidelity insurance policy that complies with the requirements of paragraph (a) below unless such broker at no time collects, maintains, controls, has access to, or disburses community association funds totaling more than $60,000.00;

(a) Any fidelity bond or fidelity insurance policy required by this rule shall:

1. be written by an insurance company authorized to write such bonds or policies in this state;

2. cover the maximum amount of funds that the broker providing community association management services collects, maintains, controls, has access to, or disburses at any time the bond or insurance policy is in effect, provided that at no time shall coverage be less than an amount equal to the sum of three months assessments due from all the members of the association or associations managed by the broker plus the amount of reserve funds that the community association or associations require the broker to maintain;

3. name the community association(s) as an additional named insured;

4. cover the broker and all partners, officers, licensed affiliates, and employees of the broker and may cover other persons collecting, maintaining, controlling, having access to, or disbursing community association funds as well; and

5. provide that the insurance company issuing the bond or policy may not cancel, substantially modify, or refuse to renew the bond or policy without giving thirty days prior written notice to the broker and to the community association; except that in the case of non-payment of premiums, no less than ten days prior written notice shall be given.

(b) Each broker shall maintain a separate fidelity bond or fidelity insurance policy for each community association for which the broker provides community association management services and collects, maintains, controls, has access to, or disburses community association funds or such alternate fidelity coverage as is acceptable to the Commission.

(c) Each broker shall maintain a copy of each fidelity bond or fidelity insurance policy along with a current certificate of each such bond or insurance policy showing current coverage and shall provide a copy thereof to the community association.

See also O.C.G.A. §§ 43-40-2.

(4) Disclosure of Brokerage Relationships.

(a) No licensee shall buy or lease, nor take an option to buy or lease, any interest in property listed with the licensee or the licensee's firm on which the licensee or the licensee's firm has been requested to act as a broker, unless the licensee shall clearly disclose the licensee's position as a buyer to the seller or as a tenant to the landlord, as the case may be, and insert a clause to this effect in the contract.

Neither shall any licensee sell or lease or otherwise convey any interest in property owned by the licensee to any person, unless the licensee shall clearly disclose the licensee's position as a seller to the buyer or as a landlord to the tenant, as the case may be, and insert a clause to this effect in the contract.

(b) A licensee shall make or cause to be made a written disclosure to both buyer and seller or to both lessor and lessee, as the case may be, revealing the party or parties for whom that licensee's firm is acting as agent or dual agent and from whom that licensee's firm will receive any valuable consideration for its efforts as agent in the transaction. If the licensee's firm is not acting as an agent for either party, then the licensee shall make a written disclosure revealing from whom the licensee's firm will receive any valuable consideration for its efforts in the transaction. The written disclosures required by this paragraph must be made in a timely manner, but in any event not later than the time that any party first makes an offer to purchase, to sell, to lease, or to exchange real property.

(c) Real estate licensees shall not pay a fee or commission to a licensee representing another party to a transaction except with the full knowledge and written consent of all parties.

See also O.C.G.A. §§ 43-40-2 & 43-40-25.

Cite as Ga. Comp. R. & Regs. R. 520-1-.06
Authority: O.C.G.A. Secs. 43-40-2, 43-40-25.
History. Original Rule entitled "Closing" adopted as ER. 520-1-0.1-.06. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Offers to Purchase" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule of same title adopted. F. May 12, 1978; eff. June 1, 1978.
Repealed: New Rule of same title adopted. F. Nov. 12, 1981; eff. Dec. 2, 1981.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: Rule retitled "Offers". F. Apr. 7, 1994; eff. Apr. 27, 1994.
Repealed: New Rule entitled "Brokerage Relationships" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.07. Management Responsibilities of Real Estate Firms.

(1) **Name of Firm.** A broker shall not conduct business under any name other than the one in which the broker's license is issued.

(2) **Responsibilities of Brokers or Qualifying Brokers.**

(a) A real estate broker or qualifying broker shall be held responsible for any licensee whose license is affiliated with the broker or the broker's firm who violates any of the provisions of O.C.G.A. Chapter 43-40 and its attendant Rules and Regulations.

(b) Every broker or qualifying broker shall be responsible to instruct licensees affiliated with the broker or the broker's firm of the provisions set forth in the License Law and its Rules and Regulations.

(c) The broker or qualifying broker shall notify the Georgia Real Estate Commission of any violation of the License Law and its Rules and Regulations.

See also O.C.G.A. §§ 43-40-1, 43-40-2, & 43-40-18.

(3) **Change of Qualifying Broker.**

(a) Whenever the qualifying broker of a partnership, limited liability company, or corporation dies, resigns, or is discharged unexpectedly, the partnership, limited liability company, or corporation must secure a new qualifying broker within 60 days or cease all real estate brokerage activity until it does secure a new qualifying broker.

(b) During the period of time that the firm is seeking a new qualifying broker to replace a qualifying broker who dies, resigns, or is discharged unexpectedly, the firm must designate a partner, if a partnership; a member, if a limited liability company; or an officer, if a corporation, to sign any documents and applications which must be filed with the Commission and to disburse trust funds from the firm's designated trust account(s) as may be required by any contracts or agreements authorizing the firm to hold such trust funds.

(4) **Qualifying Brokers Affiliated with Multiple Firms.**

(a) A person licensed by the Commission as a broker or qualifying broker for a licensed firm may serve as the broker or qualifying broker with one or more other licensed firms.

(b) A person licensed as an associate broker and affiliated with a licensed firm may serve as the broker or qualifying broker for one or more other licensed firms provided such person has notified in writing the broker with whom he or she is affiliated as an associate broker of his or her intended services as a broker or qualifying broker with another firm.

See also O.C.G.A. §§ 43-40-2, 43-40-14, & 43-40-25.

(5) **Transferring Licensees Into or Out of a Firm.**

(a) Any broker seeking to have a licensee affiliate with the broker's firm shall enter into a written agreement specifying the terms under which the licensee will be compensated for work during the time of their affiliation and specifying how the licensee will be compensated for work begun but not completed prior to the termination of their affiliation. Other than to determine that such agreements are

entered into by licensees and their broker, the Commission shall not regulate the content of such agreements or enforce the provisions of such agreements. A dispute between licensees as to whether the terms of this agreement have been met shall not be grounds for the broker's refusal to sign a release and to forward the wall certificate of licensure to the Commission nor for either party to file a complaint with the Commission.

(b) When a licensee requests that a release form be signed, the releasing broker shall immediately sign the release and forward the wall certificate of licensure of the departing licensee to the Commission or notify the Commission in writing that the wall certificate of licensure has been forwarded to the new broker for whom the licensee will act. If a licensee assumes the responsibility of delivering the wall certificate to a new broker, then the wall certificate must be delivered as soon as practically possible after the licensee receives it from the releasing broker.

(c) Any licensee transferring shall not take, nor have in the licensee's possession, nor use any written brokerage engagement secured through the office or through licensed affiliates of the releasing broker, unless specifically authorized by the broker. The names of all prospective customers or clients given in writing to the departing licensee during the tenure of the affiliation with the releasing broker shall be accounted for to that broker. All plats of property, keys and other property which the releasing broker owns or for which the releasing broker is responsible,"for sale" signs, notebooks, listing cards, or records of any kind that have been used in connection with the listing or selling of property or with the management of property or community associations shall be returned in person by the departing licensee to the person designated by the releasing broker. Any broker seeking to have a licensee affiliate with the broker's firm shall enter into a written agreement expressing the terms under which the provisions of this paragraph shall be fulfilled upon the licensee's transferring from the broker. Failure of a departing licensee to meet the requirements of this paragraph shall not be grounds for the broker's refusal to sign a release and to forward the wall certificate of licensure to the Commission, but shall be grounds for the filing with the Commission of a formal written complaint against the departing licensee.

(d) Whenever a broker returns to the Commission a wall certificate of licensure of a licensee affiliated with the broker's firm, the certificate shall be accompanied by a release signed by both the broker or authorized associate broker and the licensee or by a signed statement that such a release has been signed by both parties. The licensee shall then transfer the license to another broker or apply to place the license on inactive status within one month of the Commission's receipt of the licensee's wall certificate of licensure. If a broker is releasing a licensee for reasons other than the licensee's request and is unable for any reason to obtain the licensee's signature on the release, the broker or authorized associate broker shall send to the Commission a copy of a letter from the broker or authorized associate broker mailed to the licensee's last known address indicating that the broker is

returning the license to the Commission. The broker's letter to the licensee should state clearly that the licensee has one month from the Commission's receipt of the licensee's wall certificate of licensure to apply to transfer to another broker or to apply to place the license on inactive status.

(e) Whenever a licensee decides to terminate an affiliation with a firm, such licensee may not have any contact with any of the firm's clients that the licensee is serving under a listing, a management agreement, or other brokerage engagement until the expiration of such a brokerage engagement, except as may be expressly approved in writing by the broker or qualifying broker of the firm that the licensee is leaving.

(f) Applications for sponsoring broker forms and applications for transfer or release may be signed only by the broker or an associate broker if the broker permits the associate broker such authority in writing. Such written authority shall be permanently maintained by the broker.

(g) Duplicate certificates of licensure and/or pocket cards shall be issued upon satisfactory proof of loss of the original.

See also O.C.G.A. §§ 43-40-2, 43-40-7, 43-40-11, 43-40-14, & 43-40-25.

(6) **Utilizing Support Personnel - Task Guidelines.**

(a) Whenever a firm or a licensee who is affiliated with a firm engages support personnel to assist the firm or the affiliated licensee in the conduct of the real estate brokerage business, both the firm and the affiliated licensee are responsible for the acts of the support personnel and for assuring that the support personnel comply with the requirements of this rule and the license law. Support personnel may not perform any real estate brokerage activities of a real estate licensee when engaged as support personnel and may perform only ministerial duties, those that do not require discretion or the exercise of the support personnel's own judgment.

(b) Nothing in this rule shall prohibit an individual employed by a firm to assist in the management of property from undertaking those activities permitted by O.C.G.A. Section 43-40-29(10).

(c) An individual actively licensed with one firm may work as support personnel for a different firm or for a licensee(s) of a different firm with the written consent of the broker of each firm. An individual whose license is on inactive status may work as support personnel for a firm or any affiliated licensee.

(d) Any firm which employs (or engages under an independent contractor agreement) support personnel to assist such firm or an affiliated licensee of said firm in carrying out his or her real estate brokerage activities must:

1. enter into a written agreement with the support personnel specifying the duties that the support personnel may undertake on behalf of the firm or an affiliated licensee of the firm and the tasks that support personnel are prohibited from performing on behalf of the firm or an affiliated licensee of the firm;

2. if applicable, enter into a written agreement with the affiliated licensee authorizing the use of the support personnel, specifying the duties that the support personnel may undertake on behalf of the affiliated licensee of the firm and the tasks that support personnel are prohibited from performing, and approving any compensation arrangement the affiliated licensee has with the support personnel;

3. if applicable, assure that the affiliated licensee of the firm and the support personnel have entered into a separate written agreement specifying the duties that the support personnel may undertake on behalf of the affiliated licensee of the firm, the tasks that support personnel are prohibited from performing, and the compensation arrangement the affiliated licensee has with the support personnel.

(e) In order to provide reasonable guidelines for firms, affiliated licensees and support personnel, but without defining every permitted or prohibited activity, the Commission has identified the following tasks that support personnel may perform:

1. answer the telephone and forward calls and emails to a licensee;

2. submit data on listings to a multiple listing service;

3. check on the status of loan commitments after a contract has been negotiated;

4. assemble documents for closings;

5. secure documents that are public information from a courthouse and other sources available to the public;

6. have keys made for firm listings and install or remove lock boxes from firm listings;

7. write advertisements and promotional materials for the approval of the firm and any affiliated licensee;

8. place advertisements in the media as defined in Rule 520-1-.09(1)(b) and as directed by the firm;

9. record, and deposit earnest money, security deposits, and rents;

10. type contract forms as directed by the firm or affiliated licensee of the firm;

11. monitor personnel files and license reports from the Commission;

12. compute commission checks;

13. place signs on real estate and remove such signs;

14. order items of routine repair as directed by the firm or affiliated licensee;

15. act as courier for such purposes as delivering documents or obtaining documents and keys;

16. schedule appointments with an owner or an owner's agent in order for a licensee to show listed real estate;

17. arrange dates and times for inspections;

18. arrange dates and times for a mortgage application, a pre-closing walk through, or a closing;

19. schedule an open house;

20. accompany a licensee to an open house or a showing only for security purposes; or

21. perform physical maintenance on real estate.

(f) The Commission has identified the following tasks that support personnel shall not perform:

1. make cold calls by telephone, in person, or through any media as defined in Rule 520-1-.09(1)(b) or otherwise contact the public for the purpose of securing prospects for listings, leasing, sales, exchanges, or property management of real estate;

2. host open houses, kiosks, home show booths, or fairs;

3. prepare promotional materials or advertisements without the review and approval of an affiliated licensee and firm;

4. show real estate;

5. answer any questions on title, financing, or closings (other than the time and place);

6. answer any questions regarding a listing except for information on price and amenities expressly authorized in writing by the licensee;

7. discuss or explain a contract, listing, lease, agreement, or other real estate document with anyone outside the firm;

8. negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee;

9. discuss the attributes or amenities of real estate, under any circumstances, with a prospective purchaser or lessee;

10. discuss with the owner of real estate, the terms and conditions of the real estate offered for sale or lease;

11. collect or hold deposit monies, rent, other monies or anything of value received from the owner of real estate or from a prospective purchaser or lessee; or

12. provide owners of real estate or prospective purchasers or lessees with any advice, recommendations or suggestions as to the sale, purchase, exchange, or leasing of real estate that is listed, to be listed, or currently available for sale or lease.

(g) Unlicensed support personnel or inactive licensed support personnel shall not hold themselves out in any manner, orally or in writing, as being actively licensed or affiliated with a particular firm or real estate broker as a licensee.

(7) **Sharing Commissions with Non-Resident Brokers.** A licensed broker in this state is hereby permitted to divide or share a real estate commission with a licensed broker in another state. If a broker licensed in another licensing jurisdiction refers prospective clients or customers to a Georgia broker, the Georgia broker may pay a fee to such licensed broker. Such brokers who refer prospective clients or customers to a Georgia broker may not perform any of the other acts of a broker with regard to property located in this state unless they first obtain a nonresident's license or enter into a written agreement with a Georgia broker as permitted by O.C.G.A. Section 43-40-9.

See also O.C.G.A. §§ 43-40-2, 43-40-9, & 43-40-25.

Cite as Ga. Comp. R. & Regs. R. 520-1-.07
Authority: O.C.G.A. Secs. 43-40-2, 43-40-14, 43-40-25.
History. Original Rule entitled "Broker or Salesman Attempting to Act in Dual Capacity" adopted as ER. 520-1-0.1-.07. F. and eff. July 12, 1973, the date of adoption.

Amended: Permanent Rule entitled "Closing" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: New Rule entitled "Real Estate Brokers and Qualifying Brokers" adopted. F. Feb. 13, 1986; eff. Apr. 1, 1986, as specified by the Agency.
Amended: F. July 19, 1994; eff. August 8, 1994.
Repealed: New Rule entitled "Management Responsibilities of Real Estate Firms" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Oct 10, 2014; eff. November 1, 2014, as specified by the Agency.

Rule 520-1-.08. Managing Trust Accounts and Trust Funds.

(1) **The Designated Trust or Escrow Account.**

(a) Brokers may maintain more than one designated trust or escrow account. Brokers shall notify the Commission of the name of the financial institution in which each account is maintained and each account's name or number within one month of opening each account.

(b) A licensee shall place all cash, checks, or other items of value received by the licensee in a brokerage capacity into the custody of the broker holding the licensee's license as soon after receipt as is practicably possible.

(c) A licensee shall place all cash, checks, or other items of value received by the licensee when the licensee is acting in the capacity of principal in the sale of interests in real estate owned by such licensee and all security deposits received on property owned by the licensee into the custody of the broker holding the licensee's license or in a trust account approved by that broker as soon after receipt as is practicably possible.

(d) Unless otherwise agreed to in writing by the party or parties at interest, the broker holding such cash or checks shall promptly deposit said funds in a federally insured account designated by the financial institution as a trust account and registered with the Commission and shall make appropriate arrangement for the safekeeping of any items of value received other than cash or checks. If the broker elects to deposit any funds into an interest-bearing trust account, the broker shall obtain the written agreement of the parties indicating to whom the broker shall pay any interest earned on trust funds deposited into that interest-bearing account prior to depositing those funds into such an account.

See also O.C.G.A. §§ 43-40-2, 43-40-20, 43-40-21, & 43-40-25.

(e) A broker may maintain the broker's own funds in a designated trust or escrow account only when they are clearly identified as the broker's deposit and only for the following purposes:

1. If the financial institution in which the account is maintained designates a specific minimum balance that must be maintained in order to keep the account open, the broker may maintain that amount in the account designated as the broker's funds.

2. If the financial institution in which the account is maintained requires a service charge be paid for the account, the broker may maintain in the account in the broker's name a reasonable amount to cover that service charge. The broker may also maintain in the account in the broker's name a reasonable amount sufficient to cover other occasional financial institution charges and costs of maintaining the account including but not limited to charges for blank checks and deposit slips and fees for return of deposited checks which fail to clear.

3. A broker may allow commissions due the broker that are being paid from funds of others held in the broker's designated trust or escrow account to remain in the account provided that:

   (i) the broker's accounting system for trust or escrow accounts designates those commissions as the broker's funds and properly accounts for them and

   (ii) each month the broker removes from the account any of the broker's funds that exceed the minimum necessary to comply with subparagraph (a) or (b) above.

4. Only checks made payable to the broker may be used to withdraw monies designated as the broker's funds from the designated trust or escrow account.

(2) **Accounting Requirements.**

(a) Every broker required by O.C.G.A. Section 43-40-22 to maintain a trust or escrow account shall maintain an accounting system in which each trust or escrow deposit is detailed in the following manner:

1. Names of buyer and seller or tenant and landlord or member and community association or broker.

2. Amount and date of deposit.

3. Identification of property involved.

4. The amount, payee and date of each check drawn on the escrow account in connection with that deposit.

(b) Licensees may meet the accounting requirements of this or any other Commission rule with either manual or electronic accounting systems as the efficiency of the firm's business operations dictate. However, whether a manual or electronic, the accounting system must:

1. include all the components required by law and sound business practices,

2. be readily accessible,

3. be in a readily understandable format, and

4. be reasonably available to any authorized representative of the Commission.

(3) Disbursements.

(a) A broker who disburses trust funds from the broker's designated trust or escrow account contrary to the terms of a contract for the sale or rental of real estate, or other contract creating the escrow, or who fails to disburse trust funds according to the terms of any contract creating the escrow, will be considered by the Commission to have demonstrated incompetence to act as a real estate broker in such manner as to safeguard the interest of the public.

(b) A broker who disburses trust funds from a designated trust account under the following circumstances shall be deemed by the Commission to have fulfilled properly the broker's duty to account for and remit money which the broker is required to maintain and deposit in a designated trust account:

1. upon the rejection of an offer to buy, sell, rent, lease, exchange, or option real estate;

2. upon the withdrawal of an offer not yet accepted to buy, sell, rent, lease, exchange, or option real estate;

3. at the closing of the transaction;

4. upon securing a written agreement which is signed by all parties having an interest in the trust funds and is separate from the contract which directs the broker to hold the funds;

5. upon the filing of an interpleader action in a court of competent jurisdiction;

6. upon the order of a court of competent jurisdiction; or

7. upon a reasonable interpretation of the contract which directed the broker to deposit the funds.

(c) A broker shall not disburse funds from a designated trust account as provided in paragraph (b) until the broker has reasonable assurance that the financial institution has credited the funds to the broker's trust account. When a broker makes a disbursal to which all parties to the contract do not expressly agree, the broker must immediately notify all parties in writing of the disbursal.

(d) A broker who claims any part of the earnest money or other money paid to the broker in connection with any real estate transaction as part or all of the broker's commission or fee shall be deemed by the Commission to have complied with O.C.G.A. Section 43-40-20(e) if:

1. in a sales transaction, the transaction has closed or the date of closing specified in the sales agreement and any extensions of that date have passed;

2. in a lease or rental transaction, possession has been delivered to the tenant;

3. in a lease/purchase transaction, the sales transaction has closed or the date of closing specified in the sales agreement and any extensions thereof have passed; or 4. the broker has secured a written agreement, separate from the sales contract or lease agreement, signed by all parties having an interest in the transaction who have agreed that the broker is entitled to any commission.

(e) All refunds of earnest money must be paid by check or credited at the closing of a transaction.

See also O.C.G.A. §§ 43-40-2, 43-40-20, 43-40-21, & 43-40-25.

(f) The total of all checks written against each deposit should reflect a zero balance in the designated escrow or trust account relating to the closing of each individual transaction except when a portion of the deposit is transferred to the broker's name for the purpose of satisfying a commission. When such a transfer is made, the total of that transfer and all checks written against that deposit should reflect a zero balance.

(g) If a licensee who owns a designated trust account files a bankruptcy petition, such licensee shall immediately notify the Commission in writing of the filing of that petition. If a qualifying broker or the firm that a licensee serves as qualifying broker files a bankruptcy petition, such qualifying broker shall immediately notify the Commission in writing of the filing of that petition.

See also O.C.G.A. §§ 43-40-2, 43-40-7, & 43-40-25.

(4) **Trust Accounts for Property Management or Association Management.** Brokers who manage real property or community associations may maintain designated rental or assessment trust or escrow accounts separate from their other trust or escrow accounts.

(a) In paying bills on behalf of an owner or an association from any designated rental or assessment escrow or trust account, there must be enough money credited and deposited to the owner's or the association's account to cover said bill.

(b) Security deposits, if kept in a designated rental trust or escrow account, must be clearly identified and credited to the tenant and there must always be a balance in the account equal to the total of said security deposits.

(c) A licensee who manages rental property which the licensee owns must maintain any security deposits collected in a designated trust account and may not post a bond in lieu of maintaining such security deposits in a designated trust account.

(5) **Examination of Trust Accounts by the Commission.** O.C.G.A. Section 43-40-20 provides that each broker required to maintain a designated trust or escrow account shall authorize the Commission to have that designated trust or escrow account(s) examined by a duly authorized representative of the Commission during each renewal period or at such other time as the Commission may direct upon reasonable cause.

(a) With regard to the members of the Commission who are required to maintain such designated trust accounts, this examination may be done either:

1. by the Commission member's engaging and paying a Certified Public Accountant to examine the broker's designated trust account or accounts to determine that that account is maintained in accordance with this rule and any other applicable rules, regulations, or statutes; or

2. by the Real Estate Commissioner's engaging the services of an independent accountant to examine a member's designated trust account or accounts to determine that the account is maintained in accordance with this rule and any other applicable rules, regulations, or statutes.

(b) Upon being contacted by the Commission's staff for purposes of conducting an examination of a trust account or accounts, a broker may elect to provide the Commission with a report on the broker's designated trust account(s) from a Certified Public Accountant in lieu of an examination by a duly authorized representative of the Commission. The Commission, in its discretion, may elect not to accept such a report and conduct its own examination. The report of the Certified Public Accountant must take the following form:

_____

(Date)

I, _____, a Certified Public Accountant, have this date examined the real estate brokerage trust accounts of _____ for the time period of _____ to _____ and find the handling of funds in these accounts to be in compliance

with O.C.G.A. Sections 43-40-20 and 43-40-25(a)(3),(4),(5), and (23) and Rules 520-1-.26, 520-1-.30, and 520-1-.34 of the Georgia Real Estate Commission. (Attach a statement explaining items, if any, which do not appear to be in compliance.) Said firm maintains the following real estate brokerage trust accounts:

(list account numbers and financial institution names)

Certificate Number Signature of Certified Public Accountant

Affirmed by Broker

(c) Copies of accounting system entries for trust or escrow accounts, financial institution deposits, financial institution statements, receipts and other documents related to designated trust or escrow accounts shall be made available to authorized agents of the Commission upon reasonable request and at a reasonable cost to the Commission.

(6) **Monthly Reconciliation of Trust Accounts.** A broker required to maintain a trust or escrow account shall cause to be made, at least monthly, a written reconciliation statement comparing the broker's total trust liability with the reconciled financial institution balance(s) of the broker's trust account(s). The broker's trust liability is the sum total of all deposits received, required by contract to deposit, and being held by the broker at any point in time.

(a) The minimum information to be included in the monthly reconciliation statement shall be the date the reconciliation was undertaken, the date used to reconcile the balances, the name of the financial institution(s), the name(s) of the account(s), the account number(s), the account balance(s) and date(s), any deposit(s) in transit, the amounts of any outstanding check(s) identified by date and check number, an itemization of the broker's outstanding trust liability showing the amount and source of funds received and not yet disbursed, and other items necessary to reconcile the financial institution account balance(s) with the balance in the broker's checkbook(s) and with the amount of the broker's trust liability. The broker shall review the monthly reconciliation statement and maintain copies in the broker's files for a period of three years.

(b) Whenever the trust liability and the financial institution balances do not agree, the reconciliation statement shall contain a description or explanation for the difference(s) and any corrective action(s) taken with reference to shortages or overages of funds in the account(s). Whenever a trust financial institution account record reflects a service charge or fee for a non-sufficient check being returned or whenever an account has a negative balance, the reconciliation statement shall disclose the cause(s) of the returned check or negative balance and the corrective action(s) taken.

(7) **Renewal Trust Account Examination.** When renewing a broker's license, a broker shall submit, along with the renewal application:

(a) a summary of data on the broker's trust account(s) on a form prepared by or approved by the Commission or

(b) a report on the broker's designated trust account(s) from a Certified Public Accountant. The report of the Certified Public Accountant must take the form provided for in paragraph (10) of this Rule.

(8) **Abandoned Funds in a Trust Account.** Whenever a real estate licensee believes that a person who placed trust funds in the licensee's care has abandoned those funds, the licensee may not disburse those funds from a trust account unless:

(a) the licensee's written authorization to hold those funds requires a particular disbursal;

(b) the licensee has complied with the requirements of the Disposition of Unclaimed Property Act, O.C.G.A. Section 44-12-191, *et seq.*; or

(c) the licensee has complied with such other statutory or court ordered requirements as may be appropriate to the circumstances.

See also O.C.G.A. §§ 3-40-2, 43-40-20, 43-40-21, & 43-40-25.

(9) **Trust Account Requirements for Non-Broker Licensee Owned Property.** O.C.G.A. Section 43-40-20(h) authorizes a non-broker licensee to open a trust account for the deposit of trust funds received on properties the non-broker licensee owns if the broker holding the non-broker licensee's license approves the opening of such an account and if the non-broker licensee provides the broker with regular reports accounting for the funds in such an account. The Commission shall deem a property "owned by a licensee" if the deed for such property reflects either (a) only the name of the licensee or (b) only the name of a business entity of which the licensee is the sole owner, member, or stockholder. Whenever a licensee (a) owns any interest in a property that is less than one hundred percent and (b) receives any trust funds on such property, such licensee must deposit those trust funds into the trust account of a firm licensed under this chapter.

Cite as Ga. Comp. R. & Regs. R. 520-1-.08
Authority: O.C.G.A. §§ 43-40-2, 43-40-25.
History. Original Rule entitled "Improper Use of Form Sales Contracts, Etc. Prohibited" adopted as ER. 520-1-0.1-.08. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Broker or Salesman Attempting to Act in Dual Capacity" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule entitled "Licensees Attempting to Act in Dual Capacity" adopted. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: New Rule entitled "Disclosure of Agency Relationships" adopted. F. Jan. 15, 1987; eff. July 1, 1987, as specified by the Agency.

Amended: Rule retitled "Disclosure of Relationship". F. Apr. 7, 1994; eff. Apr. 27, 1994.
Repealed: New Rule entitled "Managing Trust Accounts and Trust Funds" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Mar. 12, 2009; eff. Apr. 1, 2009.
Amended: F. May 18, 2016; eff. June 1, 2016, as specified by the Agency.

Rule 520-1-.09. Advertising.

(1) **Definitions.**

(a) **Advertising or Advertisement**.For the purposes of this Rule, the term "advertising" or "advertisement" means any manner, method, or activity by which a licensee through the use of any media makes known to the general public real estate for sale, rent, lease, or exchange.

(b) **Media**. For the purposes of this Rule, the term "media" includes, but is not limited to, print, photographs, broadcast, and the Internet including, but not limited to, such examples as newspapers, magazines, flyers, posters, business cards, billboards, radio, videos, television, signs (including office, directional,"for sale," "for lease," "sold," or vehicle signs), newsletters, voicemail, email, facsimile transmissions, Internet websites, blogs, video blogs, property listing database services, email farming, news groups, discussion lists, bulletin boards, social networking/social media, instant text messages, multimedia advertising, banner ads, pop-ups, and similar media.

(2) **Misleading Advertising.** Any advertising that is misleading or inaccurate in any material fact or in any way misrepresents any real estate is prohibited. Whenever a licensee becomes aware that a principal with whom the licensee's firm has a brokerage engagement is advertising to sell, buy, rent, lease, or exchange real estate in such a manner that is inconsistent with this rule, the licensee must immediately take steps to stop the advertising until it complies with this rule.

(2.1) **Advertising by Affiliated Licensees.** All advertising by associate brokers, salespersons, and community association managers must be under the direct supervision of their broker and in the name of their firm.

(3) **Written Permission to Advertise.** A licensee shall not advertise any real estate for sale, rent, lease, or exchange unless the licensee has first secured the written permission of the owner, the owner's authorized agent, or the owner of a leasehold estate. When such permission is granted, a licensee advertising real estate that is listed with another firm shall clearly and conspicuously disclose that fact and the name of the listing firm unless the listing firm has expressly agreed in writing to waive those clear and conspicuous disclosures.

(4) **Discriminatory Advertising Prohibited.** A licensee shall not advertise to sell, buy, exchange, rent, or lease real estate when such advertisement is directed at or referred to

persons of a particular race, color, religion, sex, handicap, familial status, or national origin. The contents of any advertisement must be confined to information relative to the real estate itself, and any advertisement that is directed at or referred to persons of any particular race, color, religion, sex, handicap, familial status, or national origin is prohibited.

(5) **Internet Advertising.** In addition to the unfair trade practices found in O.C.G.A. § 43-40-25(b)(1),(2),(11),(12) and (21) or any other requirements found in this Rule, any advertising on the Internet by a licensee of real estate for sale, rent, lease, or exchange shall disclose the name and telephone number of the licensee's firm on every viewable web page of a website except as herein otherwise provided.

(a) When advertising in electronic messages of limited information or characters, a license shall provide a direct link to a display that is in compliance with this Rule.

(b) When advertising real estate for sale, rent, lease or exchange on an internet website not owned or controlled by the licensee or firm with which the licensee is affiliated and that website's terms of use limit the licensee's ability to comply with this paragraph, the advertising shall provide a direct link to a display that is in compliance with this Rule on every viewable webpage of the website.

(c) Information on a website maintained by a licensee that is outdated shall be updated or removed from the website within thirty (30) days of the information becoming outdated.

(d) If a licensee's website is maintained by an authorized third party (other than its firm or its franchisor's webmaster), the licensee shall provide to the third party, a timely written notice, by mail, fax, or electronic means, of any updates to outdated information or information to be removed from the website, so that such updates or information removal may be accomplished in accordance with this Rule. A licensee who provides such timely notice shall not be in violation of this Rule if the third party fails to effect an information change as notified.

(e) The requirements of this Rule apply to advertising and information on a website that is within the licensee's ownership or direct control. No licensee shall be responsible for any information taken from the licensee's website, or other advertising, if placed on a website, or in other advertising outside the licensee's ownership and/or direct control and without the licensee's consent.

(6) **Trade Names and Franchise Names.** For purposes of this rule the term trade name shall include trade mark and service mark; and the term advertising shall include, but is not limited to, advertising done by others on behalf of the licensee.

(a) Any firm using a trade name or any franchisee in advertising specific real estate for sale in any media shall clearly and unmistakably include the firm's name as registered with the Commission in a manner reasonably calculated to attract the attention of the public. The firm's name shall appear adjacent to any specific real

estate the firm advertises for sale so that the public may unmistakably identify the firm listing the specific real estate. In advertising real estate for sale, rent, or exchange, the name of the firm offering the real estate for sale, rent, or exchange shall appear in equal or greater size, prominence, and frequency than the name or names of any affiliated licensees or groups of licensees.

(b) Any firm using a trade name or any franchisee shall clearly include the firm's name as registered with the Commission on any contracts or other documents relating to a real estate transaction.

(c) Any firm using a trade name or any franchisee shall clearly include the firm's name as registered with the Commission on office signs.

(7) **Firm Names and Telephone Numbers in Advertising.** In advertising specific real estate for sale, rent, or exchange in any media:

(a) firms must include in the advertisement a name of the firm as registered with the Commission and a telephone number for the firm, except when complying with lawful restrictions (such as covenants or local governmental ordinances) that forbid the use of the firm's name on a particular type of sign;

(b) the name of the firm advertising the real estate for sale, rent, or exchange shall appear in equal or greater size, prominence, and frequency than the name or names of any affiliated licensees or groups of licensees;

(c) the firm's telephone number shall appear in equal or greater size, prominence, and frequency than the telephone number of any affiliated licensee or groups of licensees, and it must be a number at which the public can reach a broker or a manager of the firm without going through the affiliated licensee(s) listed in the advertisement;

(d) whether contained in a logo or standing alone, the name of the firm must be in equal or greater size, prominence, and frequency than the name of any affiliated licensee or group of licensees; and

(e) a block advertisement in any print media that advertises various listings of a firm and includes the name of the listing agent next to each listing shall be in compliance with this rule if the name of the firm appears only once at the top of the advertisement in equal or greater prominence and print size than any of the listing agent's names. The firm's name may be located in other positions in such block advertisements if the firm name appears clearly larger and more prominently than the name of any other licensee in the advertisement.

(8) **Licensees Advertising as Principals.** A licensee shall not advertise to sell, buy, exchange, rent, or lease real estate in a manner indicating that the offer to sell, buy,

exchange, rent, or lease such real estate is being made by a private party not licensed by the Commission.

Every associate broker, salesperson, and community association manager is prohibited from advertising under the licensee's individual name to buy any real estate or offer for sale, rent, or lease any real estate. All advertising by associate brokers, salespersons, and community association managers must be under the direct supervision of their broker and in the name of their firm. However, when a licensee wishes to advertise real estate owned by the licensee and which is not under a brokerage engagement, the licensee may do so provided:

1. if the licensee's license is affiliated with a firm, the broker holding the licensee's license has been notified in writing of the specific real estate to be advertised;

2. if the licensee's license is affiliated with a firm, the broker gives written consent to advertising the specific real estate and approves the advertisement itself; and

3. regardless of whether the licensee's license is affiliated with a firm or on inactive status, any advertisement must include either (a) the legend "seller, buyer, landlord, tenant (select the appropriate name) holds a real estate license" or (b) the legend "Georgia Real Estate License # (insert licensee's six digit number; for example,000001)." "Georgia Real Estate License" may be abbreviated to "GA R. E. Lic.."

(9) **Licensees Advertising Approved Schools.** A licensee shall not advertise that such licensee offers, sponsors, or conducts Commission approved courses or that such licensee offers, sponsors, or conducts Commission approved courses in conjunction with an approved school or other approved organization unless the licensee is approved by the Commission to offer such courses.

(10) Notwithstanding any other provision of this Rule, a licensee shall make every reasonable attempt in advertising to assure the public knows that they are being contacted by a licensee.

Cite as Ga. Comp. R. & Regs. R. 520-1-.09
Authority: O.C.G.A. Secs. 43-40-2, 43-40-3, 43-40-7, 43-40-12, 43-40-14, 43-40-16, 43-40-19, 43-40-20, 43-40-27, 43-40-27.1.
History. Original Rule entitled "Business Name" adopted as ER. 520-1-0.1-.09. F. and eff. July 12, 1973.
Amended: Permanent Rule entitled "Improper Use of Form Sale Contracts, Etc. Prohibited" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: F. May 8, 1981; eff. June 1, 1981, as specified by the Agency.
Amended: New Rule entitled "Application" adopted. F. Nov. 8, 1984; eff. Dec. 1, 1984, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Aug. 11, 1989; eff. Sept. 1, 1989, as specified by the Agency.
Amended: F. July 16, 1992; eff. August 5, 1992.
Amended: F. July 19, 1993; eff. August 8, 1993.
Amended: F. July 19, 1994, eff. August 8, 1994.
Amended: F. June 14, 1996; eff. July 4, 1996.

Amended: F. Dec. 10, 1999; eff. Dec. 30, 1999.
Amended: F. Jan. 23, 2002; eff. July 1, 2002, as specified by the Agency.
Repealed: New Rule entitled "Advertising" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Sept. 21, 2004; eff. Oct. 11, 2004.
Amended: F. Dec. 8, 2004; eff. Dec. 28, 2004.
Amended: F. Mar. 9, 2005; eff. Mar. 29, 2005.
Amended: F. June 8, 2005; eff. June 28, 2005.
Amended: F. Apr. 7, 2014; eff. May 1, 2014, as specified by the Agency.

Rule 520-1-.10. Handling Real Estate Transactions.

(1) **PresentingOffers.** A licensee shall promptly tender to any customer or client any signed offer to purchase, sell, lease, or exchange property made to such client or customer. In a transaction in which the offeror is not a client or customer of the licensee, the licensee receiving an offer must provide a copy of the offer to the licensee working with or representing the offeree. However, a licensee who obtains an offer may negotiate a sale, exchange, or lease directly with an owner, a lessor, a purchaser, or a tenant if the licensee who obtains the offer knows that such offeree has a written outstanding agreement in connection with such property that expressly provides the other licensee will not provide negotiation services to the offeree.

(2) **License Numbers in Offers.** A licensee preparing or signing a brokerage engagement or an offer to purchase, sell, lease, or exchange real property shall include the license number issued by the Commission of each firm and of each licensee participating in the transaction. The licensee shall include the six digit license number issued by the Commission.

(3) **Responsibility to Distribute Copies.** A licensee shall provide a copy of any document utilized in a real estate transaction to any individual signing such document. If any offer to purchase, sell, lease, or exchange is accepted and signed by all parties, copies of that document shall be properly distributed, one to each person signing the document and one to each brokerage firm involved in the transaction.

(4) **Retention of Copies of Records and Documents**. Copies of sales contracts, brokerage engagements, closing statements, leases, and other documents related to a real estate transaction required by law to be maintained in a broker's file for three years shall be made available to authorized agents of the Commission upon reasonable request and at a reasonable cost to the Commission. Brokers that must keep copies of the documents cited in this paragraph include:

(a) any broker identified in a sales contract, brokerage engagement, closing statement, lease, or other document related to a real estate transaction;

(b) any broker firm that participates in the negotiations involving a sales contract, brokerage engagement, lease, or other contractual document related to a real estate transaction; and

(c) any broker required by O.C.G.A. Section 43-40-20 to maintain a trust account.

Copies of documents and other records which licensees are required by law and the Commission's rules to maintain may be maintained in any records storage system that utilizes paper, film, electronic, or other media provided that:

(a) the licensee can produce true and correct copies of such documents and recordsand

(b) copies of such documents and records can be made available to an authorized representative of the Commission upon reasonable request and at reasonable cost to the Commission.

(5) **Falsification of Transaction Documents and Misleading Representations Prohibited.** No licensee shall falsify or be a party to the falsification of a document involved in a real estate transaction or knowingly represent, either verbally or in writing, to a principal or any interested third party:

(a) an amount other than the true and actual sales, lease, or exchange price;

(b) an amount other than the true and actual downpayment;

(c) an amount other than the true and actual earnest money, security deposit, or other trust funds or that such trust funds have been tendered in any form other than its true and actual form;

(d) a payment of trust funds in cash when in fact some other method of such is made; or

(e) an artifice, contrivance, or machination with the intent to deceive.

Any or all such practices shall constitute a misrepresentation.

(6) **Disclosure of Commissions, Fees, Rebates, or Other Valuable Consideration.**

(a) The disclosures required by O.C.G.A. § 43-40-25(b)(6) from a licensee to a principal may be made in advance of the payment or receipt of a commission, fee, rebate or thing of value to a licensee based upon pre-established terms set forth in a brokerage agreement, a brokerage engagement agreement, management agreement or other written agreement.

(b) In a transaction where a licensee refers a principal to another broker for brokerage or relocation services (and the broker to whom the principal is referred knows of the referral and the referring licensee's expectation of receiving a commission, fee or other thing of value for the referral), the payment of a commission, fee or other thing of value to the referring licensee by the broker working with the principal shall be disclosed in writing to the principal by the broker to whom the referral

was made no later than at the closing of the purchase, sale, exchange, or lease, of any property in a transaction where a commission, fee or other thing of value will be paid by the broker to the referring licensee.

(c) The disclosures required in O.C.G.A. § 43-40-25(b)(6)(c) shall be in addition to any requirements of federal law pertaining to the payment or receipt of anything of value for the referral of any service or product in a real estate transaction.

(d) For the purposes of O.C.G.A. § 43-40-25(b)(6), the term "licensee's principal" shall, in the specific real estate transaction for which disclosure is required, mean both the client of the broker and a customer of the broker if the customer is working primarily with the broker and is not being represented by another broker in the transaction.

(e) A licensee may rebate to a principal any part of a commission, fee, or other compensation received by the licensee related to the purchase, sale, lease or exchange of real estate as long as said rebate is disclosed on the closing statement for that transaction and as long as the rebate does not mislead any other licensee, other principal, lender, title company or government agency involved in the transaction regarding the source of funds to complete the transaction or regarding the financial resources or obligations of a buyer principal.

Notwithstanding anything to the contrary above, no disclosure is required for gifts, products, services, or other things of value given to a principal by a licensee provided that they are not contingent upon the purchase, sale, lease or exchange of real estate for that transaction.

Cite as Ga. Comp. R. & Regs. R. 520-1-.10
Authority: O.C.G.A. Secs. 43-40-2, 43-40-7, 43-40-8, 43-40-11, 43-40-14, 43-40-25.
History. Original Rule entitled "Salesman" adopted as ER. 520-1-0.1-.10. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Business Name" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: F. Feb. 14, 1977; eff. Mar. 6, 1977.
Repealed: New Rule of same title adopted. F. Apr. 16, 1979; eff. May 6, 1979.
Amended: F. Nov. 16, 1979; eff. Dec. 6, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. July 19, 1994; eff. August 8, 1994.
Repealed: New Rule entitled "Handling Real Estate Transactions" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Sept. 21, 2004; eff. Oct. 11, 2004.
Amended: F. Jan. 14, 2005; eff. Feb. 3, 2005.
Amended: F. Aug. 15, 2007; eff. Sept. 4, 2007.
Amended: F. Oct. 16, 2009; eff. Nov. 5, 2009.
Amended: F. May 10, 2012; eff. May 30, 2012.

Rule 520-1-.11. Licensees Acting as Principals.

(1) **Written Notification to Broker.** No licensee shall be permitted to list, sell, buy, exchange, rent, lease, or option or offer to list, sell, buy, exchange, rent, lease, or option real estate, either in individual or multiple parcels, in the licensee's own name or in the name of any other firm or entity in which the licensee is an officer, employee, beneficiary, or member of such firm or other entity acting as principal without first advising, in writing, the broker for whom the real estate licensee is acting.

(2) **Offers to Buy Associated with a Brokerage Relationship**. Whenever a licensee offers to purchase a property as a condition to obtaining a brokerage engagement to sell, lease, or exchange or on which the licensee is extending the expiration date of an existing brokerage engagement, the licensee must enter into a written contract to purchase which expresses all the terms and conditions of the licensee's purchase prior to or at the time of entering into the proposed brokerage engagement or into the extension of the existing brokerage engagement. Whenever a licensee offers to purchase a property in order to enable a party to purchase, sell, lease, or exchange another property, the licensee must enter into a written contract to purchase which expresses all the terms and conditions of the licensee's purchase prior to or at the time of the other party's entering into a contract to purchase, sell, lease, or exchange the new property.

(3) **Licensees Advertising as Principals.** Licensees advertising to buy, sell, or exchange real property for their own accounts must comply with the advertising requirements of Rule 520-1-.09.

Cite as Ga. Comp. R. & Regs. R. 520-1-.11
Authority: O.C.G.A. Secs. 43-40-1, 43-40-2, 43-40-7, 43-40-11, 43-40-25.
History. Original Rule entitled "Licensee's Duties Upon Surrender, Suspension, or Revocation of License" adopted as ER. 520-1-0.1-.11. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Salesman" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule entitled "Salesperson" adopted. F. Feb. 14, 1977; eff. Mar. 6, 1977.
Repealed: New Rule entitled "Associate Broker and Salesperson" adopted. F. Apr. 16, 1979; eff. May 6, 1979.
Amended: F. May 7, 1980; eff. June 1, 1980, as specified by the Agency.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Nov. 13, 1986; eff. Jan. 1, 1987, as specified by the Agency.
Amended: F. Apr. 17, 1990; eff. May 7, 1990.
Amended: F. Sept. 10, 1993; eff. Sept. 30, 1993.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.
Amended: F. July 19, 1994; eff. August 8, 1994.
Amended: Rule retitled "Associate Broker, Salesperson and Community Association Manager". F. June 14, 1996; eff. July 4, 1996.
Amended: F. Feb. 21, 1997; eff. Mar. 13, 1997.
Repealed: New Rule entitled "Licensees Acting as Principals" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Sept. 21, 2004; eff. Oct. 11, 2004.
Amended: F. Mar. 9, 2005; eff. Mar. 29, 2005.
Amended: F. Dec. 19, 2005; eff. Jan. 8, 2006.

Rule 520-1-.12. Business Brokerage.

Unless otherwise excepted from licensure requirements by O.C.G.A. Section 43-40-29, a person who brokers the sale of a business must hold an appropriate license issued by the Commission if the sale of the business involves the transfer of any interest (including, but not limited to, leasehold or ownership interest) in real property. A business broker and any of the business broker's associates who do not hold licenses issued by the Commission may not negotiate or attempt to negotiate or assist in procuring prospects for the sale of a business where:

(a) that sale involves the transfer of any interest in real property, or

(b) where the payment of all or part of a commission or fee to the business broker or any of the business broker's associates in the sale of a business is contingent upon the transfer of an interest in real estate.

An unlicensed broker may not perform or attempt to perform the acts in the preceding sentence and then secure a person licensed by the Commission to approve that transaction.

See also O.C.G.A. §§ 43-40-1; 43-40-2; 43-40-29; and 43-40-30.

Cite as Ga. Comp. R. & Regs. R. 520-1-.12
Authority: O.C.G.A. Secs. 43-40-2, 43-40-14.
History. Original Rule entitled "Examinations" adopted as ER. 520-1-0.1-.12. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Licensee's Duties Upon Surrender, Suspension, or Revocation of License" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule of same title adopted. F. June 4, 1980; eff. July 1, 1980, as specified by the Agency.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: New Rule entitled "Business Brokerage" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.13. Fair Housing.

(1) **Prohibited Representations.** No licensee or agent or employee of a licensee shall represent, explicitly or implicitly, for the purpose of inducing or discouraging the purchase, sale, or rental of any real property or the listing for purchase, sale, or rental of any real property:

(a) that a change has occurred or will or may occur in the composition of any block, neighborhood or area based upon race, color, religion, sex, handicap, familial status, or national origin;

(b) that the presence of persons of any particular race, color, religion, sex, handicap, familial status, or national origin in an area will or may result in the following:

1. a lowering of property values in the neighborhood;

2. a material change in the composition of the area based upon race, color, religion, sex, handicap, familial status, or national origin;

3. an increase in criminal or antisocial behavior in the area; or

4. a decline in the quality of the schools serving the area.

See also O.C.G.A. §§ 43-40-2, 43-40-15, & 43-40-25.

(2) **Discrimination Prohibited.** No licensee or employee or agent of any licensee shall:

(a) Refuse to sell, purchase, rent or lease, or otherwise deny to or withhold any housing accommodation from a person because of such person's race, color, religion, sex, handicap, familial status, or national origin; or

(b) Discriminate against a person because of such person's race, color, religion, sex, handicap, familial status, or national origin in the terms of the sale, purchase, rental or lease of any housing accommodations, or in the furnishing of facilities or services in connection therewith; or

(c) Refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation, from or to a person because of such person's race, color, religion, sex, handicap, familial status, or national origin; or

(d) Refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of such person's race, color, religion, sex, handicap, familial status, or national origin; or

(e) Represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental, or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodations, because of such person's race, color, religion, sex, handicap, familial status, or national origin.

See also O.C.G.A. §§ 43-40-2, 43-40-15, & 43-40-25.

Cite as Ga. Comp. R. & Regs. R. 520-1-.13
Authority: O.C.G.A. Secs. 43-40-2, 43-40-7, 43-40-9, 43-40-13, 43-40-14, 43-40-25.
History. Original Rule entitled "Recommending Broker" adopted as ER. 520-1-0.1-.13. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Examinations" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: F. May 31, 1974; eff. June 20, 1974.
Amended: F. Aug. 18, 1977; eff. Sept. 7, 1977.
Amended: F. June 13, 1979; eff. July 3, 1979.
Amended: F. Sept. 14, 1979; eff. Oct. 4, 1979.
Amended: F. May 7, 1980; eff. June 1, 1980, as specified by the Agency.
Amended: F. June 10, 1982; eff. July 1, 1982, as specified by the Agency.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.

Amended: F. Feb. 10, 1983; eff. Mar. 3, 1983, as specified by the Agency.
Amended: F. May 5, 1983; eff. July 1, 1983, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Sept. 5, 1985; eff. Oct. 1, 1985, as specified by the Agency.
Amended: F. May 13, 1987; eff. July 1, 1987, as specified by the Agency.
Amended: F. Aug. 13, 1987; eff. Sept. 2, 1987.
Amended: F. Oct. 16, 1992; eff. Nov. 5, 1992.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: F. May 5, 1997; eff. May 25, 1997.
Repealed: New Rule entitled "Fair Housing" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.14. Citations.

(1) **Imposition of Penalties.** Whenever the Commission determines from the evidence gathered in an investigation that a licensee has violated one or more of the provisions of O.C.G.A. Chapter 43-40 or the rules and regulations adopted by the Commission or has committed an unfair trade practice, the Commission, in its discretion, may (a) initiate the process for the imposition of sanctions in accordance with the hearing procedures established for contested cases by Chapter 13 of Title 50; or (b) issue a citation to the licensee in lieu of initiating the process for the imposition of sanctions. A citation issued by the Commission may include an order to complete a course of study in real estate brokerage or instruction; to file periodic reports by an independent accountant on a real estate broker's designated trust account; and/or to pay a fine not to exceed $1,000.00 for each violation, with fines for multiple violations limited to $5,000.00 in any one citation.

(2) **Approved Education.** The Commission may elect to require successful completion of approved continuing education or post license education courses in addition to or in lieu of the financial penalties cited in paragraph (3) below.

(3) **Schedule of Violations and Penalties.** Violation of the following rules, regulations, and unfair trade practices may become the basis for the issuance of a citation. While the Commission may determine that circumstances warrant the imposition of a lesser penalty, the monetary penalties prescribed constitute the maximum penalty for a single violation of the cited rule, regulation, or unfair trade practice. In the event of any conflict between the description of a violation in the schedule below and the language in the code section or rule, the language in the code section or rule shall control.

(a) Failure of a community association manager, salesperson, or associate broker to turn over trust funds to the broker as soon as practicably possible. 43-40-25(b)(23) & 520-1-.08. Fine of $500.00.

(b) Failure of a licensee to include financing terms in a sales contract having a financing contingency. 43-40-25.1. Fine of $500.00.

(c) Failure of a licensee to provide a copy of any document used in a real estate transaction to any individual signing such document. 43-40-25(b)(19), 520-1-.06(1) & (2), & 520-1-.10(2). Fine of $500.00.

(d) Where a Commission examination of a brokerage firm's operations reveals a violation of requirements set forth in 43-40-11, 43-40-18, 43-40-25.1, 520-1-.06, 520-1-.07, & 520-1-.08(5)(c). Fine of $500.00.

(e) Where an examination of an approved school reveals a violation of requirements set forth in Chapter 520 of the Rules of the Commission. Fine of $100.00.

(f) Failure of a licensee to present promptly a signed offer to a seller or failure to deliver copies of an accepted contract to the parties within a reasonable time. 43-40-25(b)(19) & 520-1-.07. Fine of $600.00.

(g) Conducting business under a name other than that which is registered with the GREC. 520-1-.07. Fine of $600.00.

(h) Where a Commission examination of a brokerage firm's operations reveals a trust account violation. 43-40-20 & 520-1-.08. Fine of $600.00.

(i) Failure of a community association manager, a salesperson, or an associate broker to notify the broker of personal real estate activities. 520-1-.11. Fine of $600.00.

(j) Failure of a licensee to include the correct amount of earnest money, security deposit, or terms in a sales or lease contract. 43-40-25.1. Fine of $600.00.

(k) Where an approved school violates the requirements set forth in the Rules of the Commission developing or offering computer-based courses. Fine of $200.00.

(l) Where a licensee pays a commission or a referral fee for performing a real estate brokerage activity to a person who does not hold a current, active real estate license in this or some other state except as provided in 43-40-25(b)(17). Fine of $600.00.

(m) Advertising that violates a provision of 43-40-25(b)(11) or 520-1-.09(3),(5), or (6); but is not discriminatory or intentionally misleading or inaccurate in violation of 43-40-25(b)(1) or (2) or 520-1-.09(2) or (4). Fine of $600.00.

(n) Failure of a licensee to register with the GREC an account into which trust funds have been deposited. 43-40-20(b) & 520-1-.08(1). Fine of $600.00 per account not registered.

(o) Failure of a licensee to have the financial institution designate an account as a trust or escrow account, except where the financial institution has erred. 43-40-20(b). Fine of $600.00 per account not designated.

(p) Failure of a licensee to disclose his or her licensure in a contract requiring such disclosure. 520-1-.11. Fine of $600.00 per contract.

(q) Where a broker continues to allow an affiliated licensee to conduct brokerage transactions after the licensee's license has been in a lapsed status for more than one month. 43-40-18 & 520-1-.05(4). Fine of $600.00 per brokerage transaction.

(r) Where a licensee performs real estate brokerage activity in violation of 520-1-.05(4) beyond the month in which a license lapses for non-payment of renewal fees. Fine of $600.00 per brokerage transaction.

(s) Where an approved school offers a course without prior authorization, if such prior authorization is required. Fine of $200.00 per student enrolled, not to exceed the limits set forth in 520-1-.14(1).

(t) Failure of a licensee to deposit trust funds promptly where the deposit was made more than three business days after receipt unless the contract provides otherwise. 43-40-25(b)(3). Fine of $600.00.

(u) Failure of a licensee to notify the Commission of the final disposition of any administrative, civil, or criminal action within ten days of the conclusion of court or administrative proceedings. 520-1-.05(5). Fine of $600.00.

(v) Failure of a licensee to obtain written permission before depositing trust funds into an interest-bearing account where the licensee retained the interest. 43-40-25(b)(30) & 520- 1-.08(1). Fine of $600.00.

(w) Failure of a broker to sign a release form immediately upon personally receiving the request of a community association manager, salesperson, or associate broker to be released from the broker's firm. 520-1-.07(5). Fine of $600.00.

(x) Failure of a transferring salesperson or associate broker to account for or to return to the releasing broker all items belonging to that broker. 520-1-.07(5). Fine of $600.00.

(y) Failure of a licensee to deposit into a trust account trust funds received in connection with a transaction in which a licensee is a principal. 43-40-20(f), 520-1-.08(1) & (4). Fine of $600.00.

(z) Failure of a licensee to include a fixed date of expiration in a listing agreement or failure to leave a copy with the principal. 43-40-25(b)(18). Fine of $600.00.

(aa) Where an approved school allows a person who has not been approved by the Commission as a pre-license instructor to instruct a Community Association Managers Course, a Salespersons Prelicense Course, or a Brokers Prelicense Course. Fine of $300.00 per course, not to exceed the limits set forth in 520-1-.14(1).

(bb) Failure of a licensee to deposit earnest money, security deposits or other trust funds according to the terms of a contract. 43-40-25(b)(5) & 520-1-.08(1). Fine of $800.00 per contract.

(cc) Where a broker upon disbursing trust funds without obtaining the express agreement to all the parties to the contract, fails to notify all parties in writing of the disbursal. 520- 1-.08(3). Fine of $800.00.

(dd) Where a licensee has made a false statement of material fact on his or her application or caused to be submitted or been a party to preparing or submitting any falsified application to the commission on paper, electronically, or by any other means or media.

43-40-15(d) & 520-2-.16(1), & 520-3-.07. Fine of $800.00.

(ee) Failure to handle trust funds as required by 43-40-20; 43-40-25(b)(3), (4), & (5); & 520-1-.08 in a transaction in which a client or a customer claims a loss and full restitution has been made. Fine of $900.00.

(ff) Where the annual percentage of students passing the real estate examination from any prelicense school falls ten percentage points or more below the percentage of all examinees passing the real estate examination in any two consecutive calendar years.

520-2-.16(2). Fine of $900.00.

(gg) Where an approved school fails to have students complete the required number of hours in any course or to complete all exercises and/or examinations required by the school. 520-2-.10(3),(4),(5), & (6). Fine of $400.00 or $100.00 per student, whichever is greater, but not to exceed the limits set forth in 520-1-.14(1).

(hh) Failure to reconcile a trust or escrow account at least monthly; to provide the required information in the reconciliation statement; or, in the event of a discrepancy in the account, to provide an explanation or description of the discrepancy and the corrective action taken. 520-1-.08(6). Fine of $600.00 per violation if the account balances; fine of $900.00 per violation if the account is not in balance. And such other violations and fines as the Commission and the respondent parties agree upon.

(4) **Consent in lieu of Citation.** In lieu of imposing a citation upon a licensee, the Commission in its discretion may offer the licensee the opportunity to consent to completing a course of study, to submit periodic reports on a designated trust account, to paying a fine, or some combination of these or other penalties.

(5) **Effective Date of Citation.** When the Commission issues a citation on its own motion, the order in the citation shall become final when 30 days have passed since the date of service of the citation upon the licensee either personally or by certified mail or statutory overnight delivery unless prior to that time:

(a) the licensee and the Commission have reached agreement on alternative terms; or

(b) the licensee has requested a contested case hearing.

When a citation becomes final, the licensee named in the citation must meet any requirements contained in the order in the citation within 30 days of the effective date of that order unless the order prescribes a different timetable for completion of the requirements.

(6) **Service of Citation.** Service of the final order in a citation shall be by personal delivery or by certified mail or statutory overnight delivery to the last address provided to the Commission by the broker or in the case of a community association manager, salesperson, or associate broker, the last address provided to the Commission by the broker with whom the community association manager's, salesperson's, or associate broker's license is affiliated or in the case of an inactive licensee, at the last address provided to the Commission by the inactive licensee or in the case of an approved school or instructor, the last address provided to the Commission by the approved school or instructor. Service upon a licensee's, approved school's, or approved instructor's attorney shall be deemed service upon the licensee, school, or instructor.

(7) **Citation in lieu of Contested Case.** After initiating a contested case action, the Commission, in its discretion and with the consent of the licensee, may elect to dismiss the contested case action and issue a citation.

(8) **Sanction for Failure to Comply with Order.** The Commission may impose sanctions on the license of a licensee who fails to comply with the terms of a final order in a citation after giving notice to the licensee and the opportunity for a hearing.

(9) **Citations and Subsequent Disciplinary Actions.** In imposing a disciplinary action on a licensee's license in a contested case, the Commission shall not consider prior citations if the licensee has fully complied with the terms of those citations.

see also O.C.G.A. §§ 43-40-2, 43-40-25, 43-40-25.2

Cite as Ga. Comp. R. & Regs. R. 520-1-.14
Authority: O.C.G.A. §§ 43-40-2, 43-40-8, 43-40-14, 43-40-25.
History. Original Rule entitled "Salesman Buying and Selling" adopted as ER. 520-1-0.1-.14. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Recommending Broker" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule entitled "Reinstatement of Lapsed Licenses" adopted. F. May 8, 1981; eff. June 1, 1981, as specified by the Agency.
Amended: F. July 15, 1981; eff. August 4, 1981.
Amended: F. Feb. 11, 1982; eff. Mar. 3, 1982.

Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 5, 1983; eff. July 1, 1983, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Nov. 13, 1986; eff. Jan. 1, 1987, as specified by the Agency.
Amended: F. Apr. 10, 1987; eff. May 1, 1987, as specified by the Agency.
Amended: F. May 13, 1987; eff. July 1, 1987, as specified by the Agency.
Amended: F. June 7, 1988; eff. July 1, 1988, as specified by the Agency.
Amended: F. May 15, 1989; eff. July 1, 1989, as specified by the Agency.
Amended: F. June 13, 1991; eff. July 3, 1991.
Amended: F. Feb. 10, 1993; eff. Mar. 2, 1993.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.
Amended: F. July 21, 1995; eff. August 10, 1995.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: F. June 12, 1997; eff. July 2, 1997.
Amended: F. Mar. 20, 1998; eff. Apr. 9, 1998.
Repealed: New Rule entitled "Citations" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003.
Amended: F. Oct. 16, 2009; eff. Nov. 5, 2009.
Amended: F. Jan. 24, 2014; eff. Feb. 15, 2014, as specified by the Agency.
Amended: F. May 18, 2016; eff. June 1, 2016, as specified by the Agency.

Rule 520-1-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.15
Authority: O.C.G.A. Secs. 43-40-1, 43-40-2, 43-40-25.
History. Original Rule entitled "Brokers Agreement Out of State" adopted as ER. 520-1-0.1-.15. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Salesman Buying and Selling" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule entitled "Licensees Buying and Selling" adopted. F. Sept. 19, 1977; eff. Oct. 9, 1977.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 29, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Aug. 22, 1991; eff. Sept. 11, 1991.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.16
Authority: O.C.G.A. Secs. 43-40-2, 43-40-9.
History. Original Rule entitled "Falsifying Contracts" adopted as ER. 520-1-0.1-.16. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Brokers Agreement Out of State" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.17
Authority: O.C.G.A. Secs. 43-40-2, 43-40-15, 43-40-25.
History. Original Rule entitled "Representations" adopted as ER. 520-1-0.1-.17. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Falsifying Contracts" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.

Repealed: New Rule of same title adopted. F. Apr. 12, 1978; eff. May 2, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: Rule retitled "Misrepresentations in Transaction Documents". F. Aug. 15, 1996; eff. Sept. 4, 1996.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.18
Authority: O.C.G.A. Secs. 43-40-2, 43-40-15, 43-40-25.
History. Original Rule entitled "Solicitation" adopted as ER. 520-1-0.1-.18. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Representations" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Sept. 13, 1990; eff. Oct. 3, 1990.
Amended: F. Dec. 15, 1994; eff. Jan. 4, 1995.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.19
Authority: O.C.G.A. Secs. 43-40-1, 43-40-2, 43-40-15, 43-40-25, 43-40-29, 43-40-30.
History. Original Rule entitled "Advertisements" adopted as ER. 520-1-0.1-.19. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule entitled "Solicitation" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: F. June 4, 1980; eff. July 1, 1980, as specified by the Agency.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. May 13, 1987; eff. June 2, 1987.
Repealed: F. May 20, 1998; eff. June 9, 1998.
Amended: New Rule entitled "Business Brokers" adopted. F. Aug. 12, 1999; eff. Sept. 1, 1999.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.20
Authority: O.C.G.A. Secs. 43-40-1, 43-40-2, 43-40-12, 43-40-19, 43-40-25, 43-40-29.
History. Original Rule entitled "Neighborhood Disruptions" adopted as ER. 520-1-0.1-.20. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: F. May 20, 1998; eff. June 9, 1998.
Amended: New Rule entitled "Licensees Seeking to Work for Unlicensed Persons" adopted. F. Aug. 12, 1999; eff. Sept. 1, 1999.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.21
Authority: O.C.G.A. Secs. 43-40-1, 43-40-2, 43-40-18.
History. Original Rule entitled "Broker's Responsibility" adopted as ER. 520-1-0.1-.21. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule entitled "Broker's or Qualifying Broker's Responsibility" adopted. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.22
Authority: O.C.G.A. Secs. 43-40-2, 43-40-15, 43-40-25.
History. Original Rule entitled "Unfair Practices" adopted as ER. 520-1-0.1-.22. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Sept. 13, 1990; eff. Oct. 3, 1990.
Amended: F. Dec. 15, 1994; eff. Jan. 4, 1995.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.23
Authority: O.C.G.A. Secs. 43-40-2, 43-40-9, 43-40-25.
History. Original Rule entitled "Cooperation With Out of State Broker" adopted as ER. 520-1-0.1-.23. F. and eff. July 12, 1973, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule entitled "Sub Agency Agreements With Out of State Brokers" adopted. F. July 6, 1978; eff. July 26, 1978.
Amended: F. May 7, 1980; eff. June 1, 1980, as specified by the Agency.
Amended: F. Nov. 12, 1981; eff. Dec. 2, 1981.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. Feb. 10, 1983; eff. Mar. 3, 1983, as specified by the Agency.
Amended: F. Aug. 10, 1984; eff. Sept. 1, 1984, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: New Rule entitled "Referral Fees Paid to Persons Licensed in Other States" adopted. F. May 13, 1987; eff. July 1, 1987, as specified by the Agency.
Amended: Rule retitled "Referral Fees Paid to Brokers Licensed in Other States". F. Sept. 13, 1990; eff. Oct. 3, 1990.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.24
Authority: O.C.G.A. Secs. 43-40-1, 43-40-2, 43-40-9, 43-40-25.
History. Original Rule entitled "Broker and Salesperson's Examination Fee Forfeiture" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule, same title adopted. F. Jan. 17, 1977; eff. Feb. 6, 1977.
Repealed: F. June 10, 1982; eff. July 1, 1982, as specified by the Agency.
Amended: New Rule entitled "Acting as a Licensee in Other States" adopted. F. Aug. 10, 1984; eff. Sept. 1, 1984, as specified by the Agency.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.25
Authority: O.C.G.A. Secs. 43-40-2, 43-40-7, 40-43-14, 43-40-16.
History. Original Rule entitled "Activating and Applying for License After Passing Examination" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973.
Repealed: New Rule of same title adopted. F. May 13, 1977; eff. June 2, 1977.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. Dec. 5, 1985; eff. Jan. 1, 1986, as specified by the Agency.
Amended: F. Nov. 13, 1986; eff. Jan. 1, 1987, as specified by the Agency.
Amended: April 10, 1987; eff. May 1, 1987; as specified by the Agency.
Amended: F. May 15, 1989; eff. July 1, 1989, as specified by the Agency.
Amended: F. Jun. 13, 1991; eff. July 3, 1991.
Amended: F. Jun. 14, 1996; eff. July 4, 1996.
Amended: F. Nov. 12, 1999; eff. Dec. 2, 1999.
Amended: Rule retitled "Applying for License After Meeting Age, Education, and Examination Requirements" F. Dec. 8, 2000; eff. Dec. 28, 2000.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.26
Authority: O.C.G.A. Secs. 43-40-2, 43-40-20, 43-40-21, 43-40-25.
History. Original Rule entitled "Escrow Account" adopted. F. Jan. 11, 1977; eff. Jan. 31, 1977.
Repealed: New Rule entitled "Designated Trust or Escrow Account" adopted. F. Sept. 7, 1978; eff. Oct. 1, 1978, as specified by the Agency.
Repealed: New Rule of the same title adopted. F. Apr. 16, 1979; eff. May 6, 1979.
Amended: F. June 10, 1982; eff. July 1, 1982, as specified by the Agency.
Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Dec. 5, 1985; eff. Jan. 1, 1986, as specified by the Agency.
Amended: F. Feb. 13, 1986; eff. Apr. 1, 1986, as specified by the Agency.
Amended: F. June 7, 1988; eff. July 1, 1988, as specified by the Agency.
Amended: F. Apr. 17, 1990; eff. May 7, 1990.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.
Amended: F. Jan. 22, 1996, eff. Feb. 11, 1996.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: F. Feb. 21, 1997; eff. Mar. 13, 1997.
Amended: F. June 18, 1998; eff. July 8, 1998.
Amended: F. Apr. 13, 2000; eff. May 3, 2000.
Amended: F. Feb. 15, 2001; eff. Mar. 7, 2001.

Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.27
Authority: O.C.G.A. Secs. 43-40-2, 43-40-25.
History. Original Rule entitled "Trade Name" was filed as ER. 520-1-0.3-.27 on Dec. 1, 1976; eff. December 1, 1976, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. (Emergency Rule expired on March 30, 1977).
Amended: Permanent Rule adopted. F. April 7, 1977; eff. April 27, 1977.
Amended: Rule amended and the authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.28
Authority: O.C.G.A. Secs. 43-40-2, 43-40-7, 43-40-25.
History. Original Rule entitled "Notification of Legal Action" adopted. F. May, 13, 1977; eff. June 2, 1977.
Repealed: New Rule of same title adopted. F. June 10, 1982; eff. July 1, 1982, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Aug. 8, 1990; eff. Sept. 1, 1990, as specified by the Agency.
Amended: F. Feb. 14, 1991; eff. Mar. 6, 1991.
Amended: F. Mar. 10, 1994; eff. Mar. 30, 1994.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.29
Authority: O.C.G.A. Secs. 43-40-2, 43-40-3, 43-40-7, 43-40-9, 43-40-12, 43-40-13, 43-40-14, 43-40-16, 43-40-19, 43-40-20.
History. Original Rule entitled1977 "Fees" adopted as ER. 520-1-0.4-.29. F. and eff. March 23, 1977.
Amended: Permanent Rule of same title adopted. F. June 8, 1977; eff. June 28, 1977.
Repealed: New Rule of same titleadopted. F. May 7, 1980; eff. June 1, 1980, as specified by the Agency.
Amended: F.Feb. 6, 1981; eff.Mar. 1, 1981, as specified by the Agency.
Repealed: New Rule of same title adopted. F. June 10, 1982; eff. July 1, 1982,as specified by the Agency.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. Feb. 10, 1983; eff. Mar. 3, 1983, as specified by the Agency.
Repealed: New Rule of sametitle adopted. F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: New Rule entitled "Feesand Renewal of Licenses" adopted. F. Nov. 13, 1986; eff. Jan. 1, 1987, as specified by the Agency.
Amended: F.May 13, 1987; eff. July 1, 1987, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 9,1988; eff. Mar. 29, 1988.
Amended: F. May 8, 1991; eff. May 28, 1991.
Amended: F. July 16, 1992; eff. August 5, 1992.
Amended: F. July 19, 1994; eff. August 8, 1994.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: F.Feb. 21, 1997; eff. Mar. 13, 1997.
Amended: F. June 2, 2000; eff. July 1, 2000, as specified by the Agency.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.
Amended: F. Jan. 23, 2002; eff. Apr. 1, 2002, as specified by the Agency.
Amended: F.Apr. 11, 2002; eff. July 1, 2002, as specified by the Agency.
Amended: F. July 9, 2003; eff.July 29, 2003.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.30
Authority: O.C.G.A. Secs. 43-40-2, 43-40-9, 43-40-14, 43-40-20, 43-40-21, 43-40-25.
History. Original Rule entitled "Depositing Checks" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Handling Trust Funds" adopted. F. June 7, 1988; eff. July 1, 1988, as specified by the Agency.
Amended: F. July 16, 1992; eff. August 5, 1992.
Amended: F. June 14, 1996; eff. July 4, 1996. Repealed: F. Nov. 12, 2003; eff. December 2, 2003.

Rule 520-1-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.31
Authority: O.C.G.A. Secs. 43-40-2, 43-40-7, 43-40-15.
History. Original Rule entitled "Certified Copies of Convic-tions" adopted. F. Apr. 16, 1979; eff. May 6, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982,as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F.Dec. 10, 1999; eff. Dec. 30, 1999.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.32
Authority: O.C.G.A. Secs. 43-40-2, 43-40-11, 43-40-14.
History. Original Rule entitled "Retention of Certificate ofLicensure" adopted. F. Apr. 16, 1979; eff. May 6, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.33
Authority: O.C.G.A. Secs. 43-40-2, 43-40-25.
History. Original Rule entitled "Licensees' Offer to Purchase" adopted.F. June 13, 1979; eff. July 3, 1979.
Repealed: New Rule entitled "Licensees' Offers to Purchase, Sell, Lease, or Exchange" adopted. F. Feb. 6, 1981; eff. Mar. 1, 1981, as specified by the Agency.
Amended: Authority changed. F.Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994. Re-pealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.34
Authority: O.C.G.A. Secs. 43-40-2, 43-40-20, 43-40-21, 43-40-25.
History. Original Rule entitled "Unfair Practices-Interpretative Rule-Disbursal of Escrow Funds" adopted. F. Nov. 16, 1979; eff. Dec. 6, 1979.
Amended: Rule re-titled "Disbursal of Funds from Designated Trust or Escrow Account." F. Nov. 12, 1981; eff. Dec. 2, 1981.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9,1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. Nov. 10, 1988; eff. Dec. 1, 1988, as specified bythe Agency.
Amended: F. June 14, 1996; eff. July 4, 1996. Repealed: F. Nov. 12, 2003; eff. December 2, 2003.

Rule 520-1-.35. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.35
Authority: O.C.G.A. Secs. 43-40-2, 43-40-9, 43-40-14.
History. Original Rule entitled "Non-Resident Licensure"adopted. F. June 4, 1980; eff. July 1, 1980, as specified by the Agency.
Amended: F. Nov. 12, 1981; eff. Dec. 2, 1981.
Amended: F. Feb. 11, 1982; eff. Mar. 3, 1982.
Repealed: New Rule of same title adopted. F. Aug. 5, 1982;eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by theAgency.
Repealed: New Rule of same title adopted. F. July 9, 1987; eff. August 1, 1987, as specified by the Agency.
Amended: F. June 7, 1988; eff. July 1, 1988, a specified by the Agency.
Amended: F. June 13, 1991; eff. July 3, 1991.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.36. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.36
Authority: O.C.G.A. Secs. 43-40-2, 43-40-6, 43-40-24.
History. Original Rule entitled "Certifications of License adopted. F. Feb. 12, 1987; eff. Mar. 4, 1987.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.37. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.37
Authority: O.C.G.A. Secs. 43-40-2, 43-40-7, 43-40-19.
History. Original Rule entitled "Change of Address" adopted.F. Feb. 19, 1990; eff. Mar. 11, 1990.
Amended: F. Feb. 21, 1997; eff. Mar. 13, 1997.
Repealed: F. Nov. 12, 2003;eff. Dec. 2, 2003.

Rule 520-1-.38. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.38
Authority: O.C.G.A. Secs. 43-40-2, 43-40-25, 43-40-25.1.
History. Original Rule entitled "Management Agreements adopted. F. Feb. 19, 1990; eff. Mar. 11, 1990.

Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.39. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.39
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8.
History. Original Rule entitled "Salesperson Postlicense Course"adopted. F. Feb. 9, 1995; eff. Mar. 1, 1995.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.40. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.40
Authority: O.C.G.A. Secs. 43-40-2, 43-40-10, 43-40-18, 43-40-25, 43-40-30.
History. Original Rule entitled "SupportPersonnel for Licensees; Permitted and Prohibited Activities" adopted. F. Mar. 13, 1996; eff. July 1, 1996, as speci-fied by the Agency.
Amended: F. Nov. 9, 2000; eff. Nov. 29, 2000.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.41. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.41
Authority: O.C.G.A. Secs. 43-40-1, 43-40-22.1.
History. Original Rule entitled "Fidelity Bond or Insurance Required for Community Association Management" adopted. F. June 14, 1996; eff. July 4, 1996.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.42. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.42
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-10, 43-40-15.
History. Original Rule entitled "Preliminary Decisions Regarding Prior Criminal Convictions or Disciplinary Sanctions" adopted. F. Oct. 21, 1996; eff. Nov. 10, 1996.
Repealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Rule 520-1-.43. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-1-.43
Authority: O.C.G.A. Secs. 43-40-2, 43-40-3.1, 43-40-11, 43-40-15, 43-40-16, 43-40-18, 43-40-20, 43-40-25, 43-40-25.1, 43-40-25.2, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Citations" adopted. F. June 10, 1999; eff.June 30, 1999.
Amended: F. Aug. 10, 2000; eff. Aug. 30, 2000.
Amended: F. Aug. 9, 2001; eff. Aug. 29, 2001. Re-pealed: F. Nov. 12, 2003; eff. Dec. 2, 2003.

Chapter 520-2. STANDARDS FOR REAL ESTATE COURSES.

Rule 520-2-.01. Purpose of Chapter.

The purpose of this Chapter is to delineate the rules and regulations that the Georgia Real Estate Commission will follow in approving and regulating all real estate schools, instructors, and courses as provided for by O.C.G.A. Section 43-40-8.

Cite as Ga. Comp. R. & Regs. R. 520-2-.01
Authority: Authority O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Listings" adopted. F. and eff. June 30, 1965.
Repealed: F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: ER. 520-2-0.2-.01 entitled "Application for Examination" adopted. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Purposes of Chapter" adopted. F. June 13, 1979; eff. July 3, 1979.
Repealed: New Rule of same title adopted. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "College and Equivalent Courses for Examination" adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Amended: F. Feb. 7, 1985; eff. Mar. 1, 1985, as specified by the Agency.
Repealed: New Rule entitled "College and Equivalent Courses" adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.
Amended: F. July 9, 1987; eff. August 1, 1987, as specified by the Agency.
Amended: F. Aug. 13, 1987; eff. Sept. 2, 1987.
Amended: F. June 7, 1988; eff. July 1, 1988, as specified by the Agency.
Amended: F. Mar. 16, 1989; eff. Apr. 4, 1989.
Amended: F. Feb. 19, 1990; eff. Mar. 11, 1990.
Amended: F. Nov. 16, 1990; eff. Dec. 6, 1990.
Amended: F. June 13, 1991; eff. July 3, 1991.
Amended: F. May 15, 1992; eff. June 4, 1992.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: F. Oct. 9, 1997; eff. Oct. 29, 1997.
Repealed: New Rule entitled "Purpose of Chapter" adopted. F. May 2, 2005; eff. May 22, 2005.
Amended: Nov. 2, 2011; eff. Nov. 22, 2011.

Rule 520-2-.02. Real Estate Schools.

(1) **Timetable for Approval.** The Commission shall approve, disapprove, or request additional data on any application for a school approval within sixty days of the receipt of a complete application meeting the requirements of Rule 520-1-.04(4) and containing the data required by this Rule. The Commission shall deem an application abandoned if the applicant fails to respond to a request for additional or revised data within one hundred twenty days after the Commission has sent such a request to the address of the applicant listed on the application. In the event an application is abandoned, a new application and fee will be required to reinstate the application. The Commission, in its discretion, may

elect not to process an incomplete application as defined by Rule 520-1-.04(4) unless and until all the requirements of that paragraph are met.

(2) **Application Requirements for Approval.** Applicants for school approval must file with the Commission an application and a fee as provided by Rule 520-1-.04. The application must set forth in terms acceptable to the Commission the following:

(a) Identification. The name and address of the school, the name of the school director and the school coordinator as well as any other identifying criteria that the Commission may require. The school director and/or coordinator shall be responsible for certifying student completion of all courses covered under this Chapter.

(b) Records Management. A detailed proposal of records management for retaining for at least five years records of student attendance, the scores earned by all students on all graded exercises and examinations, and any student certifications required by this Chapter;

(c) Nonpublic Postsecondary Education Certificate. If the applicant is subject to the Nonpublic Postsecondary Educational Institutions Act of 1990, O.C.G.A. § 20-3-250.1 et. seq., a copy of the current certificate issued by the Nonpublic Postsecondary Education Commission;

(d) School Directors and Owners. The name and address of the owner if the school is a sole proprietorship, the names and addresses of the partners if the school is a partnership, the names and addresses of the members if the school is a limited liability company (if a member is a corporation, the names and addresses of the officers of the corporation member), and the names and addresses of each officer if the school is a corporation.

(e) Attendance Make-up Policy. Any make-up policy regarding attendance that the school has adopted;

(f) Entrance Qualifications. A list of any entrance qualifications for students;

(g) Media Equipment. A statement that the school can make available to its students materials the Commission may require for use in a particular course or courses and that it has video or audio equipment available to present Commission required material;

(h) Learning Environment. A statement that the school will conduct in-class courses in environments that are appropriate for learning;

(i) Electronic Registration and Transmission Capability. A statement that the school has the capability to follow Commission authorized procedures for (1) electronically registering its students for qualifying examinations with the Commission's approved vendor, (2) to communicate electronically any required

student course completion information to that vendor, and (3) to communicate electronically any required student course completion information to the Commission.

(j) Compliance with the Americans with Disabilities Act (ADA). A statement that the school will comply with all relevant provisions of the Americans with Disabilities Act (ADA).

(k) Nondiscrimination. A statement that the school will not discriminate in its fees, enrollment, or completion policies on the basis of race, color, sex, religion, national origin, familial status, or handicap;

(l) Course Outlines. A detailed outline(s) of course(s) to be offered with hours to be spent on each subject area to be covered in the course(s) and a description of all planned in-class and homework exercises;

(m) Bibliography. A bibliography of all texts and reference materials for use in the course(s);

(n) Student Evaluations. A comprehensive description of the measures and standards the school will employ to evaluate student performance in order to determine whether a student successfully completes a course.

(o) Learning Objectives. A description of the learning objectives for each instructional hour of the course(s). A learning objective is part of the overall goal of the course. An objective states, in measurable terms, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction;

(p) Instructors. A list of all proposed instructors;

(q) Course Schedule. A list of the course(s) for which the school seeks approval; and

(r) Notice to Students. A copy of the Notice to Students required by this Rule.

(3) **Renewal of Approval.** In order to renew any school approval, the Commission must receive an application from the school requesting renewal prior to the expiration of the current approval. The application requesting renewal must be on a form authorized by the Commission and accompanied by the required renewal fee established in Rule 520-1-.04(1).

(4) **Minimum Standards for Students.** Approved schools must adopt and enforce standards for students that at least meet the minimums described in this Rule.

(a) Attendance. In order for a school to certify a student as passing a course, the student must attend all of the required number of hours of in-class instruction for which the school offers the course.

(b) Required Exercises and Examinations. In order for a school to certify a student as passing a course, the student must complete and pass all graded exercises and/or examinations required by the school.

(c) Makeup Policy. A school director may establish a makeup policy for students who are unable to attend all the scheduled hours of instruction required for a course. Such makeup may allow a student who misses one or more sessions of a course to makeup those sessions by attending similar sessions of the same course. A student who enrolls in a school which offers the seventy-five hour salesperson's prelicense qualifying course, the sixty hour broker's prelicense qualifying course, or the twenty-five hour community association manager prelicense qualifying course in a series of courses each of whose total number of hours is fewer than the required seventy-five, sixty, or twenty-five hours may not transfer credit for a course or courses completed in that series to another school unless the new school offers the identical series of courses

Schools shall utilize no more than thirty minutes of audio or video material toward meeting any required or make-up hours of in-class instruction unless the Commission grants written authorization for such material prior to its use.

(d) Certification Requirements. In order for a school to certify a student as passing a course, the student must meet any minimum grading and conduct standards established by this Chapter and the school. On graded exercises and examinations for which this Chapter sets specific requirements, the school's policy must at least equal those requirements. [See 520-2-.04(11)] Other grading standards must be in accordance with generally accepted educational standards. Schools must publish these standards and give them to the students in a written form at the beginning of the course.

(5) **Notice to Students.** Upon a student's enrollment or prior to the beginning of instruction in any course, the school shall provide that student a written Notice to Students containing the following information about the course.

(a) Approval Details. The Notice must state that the Commission has approved the school and disclose the following:

1. its end of renewal date;

2. the number of hours of education credit of the course;

3. whether the course is an in-class course or a computer-based course or other type of distance education course;

4. whether the course meets prelicense, postlicense, or continuing education credit; and

5. if the course is a prerequisite for licensure as a community association manager salesperson or broker, whether it satisfies all or part of the hours required for that license, and if only a part of those hours, how many hours it meets and what other course(s) the student must complete to fulfill all of the requirements.

(b) Instructors. The Notice must list the instructors who will teach the course(s).

(c) Grading and Certification Policy. The Notice must describe the school's grading policies for exercises, homework, examinations, and any other work on which the school will base a student's grade.

(d) Attendance. The Notice must describe the school's attendance requirements, including notice that the student must be on time and present for all in-class hours in order to receive credit for the course, and a statement indicating how students will makeup absences if the school has established a makeup policy.

(e) Prohibition of Recruitment Notice. The Notice must include the prohibition of recruitment statement required by Rule 520-2-.02(10) and outline the manner in which students must report any efforts of recruitment;

(f) Computer-based Courses. If the course is a computer-based course, the Notice to Students must also include:

1. the name and address of the approved school;

2. the order in which the student must submit homework assignments;

3. a statement that the student must personally complete all instructional modules required to demonstrate mastery of the material and sign the certification statements required by this Rule;

4. a statement that the student must successfully complete all assignments before receiving credit for the course or before attending any required in-class instruction; and

5. an explanation of when and where to complete any required in-class instruction; and

(g) Preliminary Decisions. For Prelicense Courses, the Notice must include a description of the Commission's Preliminary Decision option for persons with criminal convictions. [See Substantive Regulation 520-1-.04(11).]

(h) Continuing Education Credit. The Notice must include a statement that the student may not receive credit for any continuing education course that he or she has taken within the previous calendar year.

(i) Any other information that the Commission may require.

(6) **Reporting.** All approved schools must report the following information to the Commission or its designee.

(a) Changes. Schools must immediately report to the Commission in writing changes in its director/coordinator, its name, its phone number, or its location or mailing address. The school must notify the Commission immediately if it terminates its relationship with an instructor because of the instructor's violation of any provision of this Chapter.

(b) Prelicense Student Registrations and Completions. Schools must electronically register students for qualifying examinations with the Commission's approved vendor and promptly communicate electronically to that vendor any required student course completion information.

(c) Student Completions in Post License and CE Courses. Schools must communicate electronically to the Commission all student completion information in postlicense and continuing education courses as directed by the Commission.

(7) **Evaluation of Instructors.** The school coordinator/director shall be responsible for consistent and regular evaluation of the school's instructors. The coordinator/director must provide each student with an opportunity to make unsigned, written evaluations of instructors. Upon receipt of a sworn written request for an investigation or at its own discretion, the Commission may request, and the coordinator/director shall supply additional student and coordinator/director evaluations on specific individual instructors in question. The Commission may use these evaluations to determine what action to take to improve the quality of instruction.

(8) **Maintenance of Records.** All approved schools must maintain for at least five years and upon reasonable request must make available to any authorized representative of the Commission the following documents.

(a) Examinations. Schools must retain copies of all examinations given and the answer keys for those examinations.

(b) Texts and materials. Schools must maintain copies of all texts or other instructional materials used in courses.

(c) Attendance. Each school must maintain records that reflect the attendance (or for computer-based courses the completion of each module of instruction) and scores

earned by each student on all graded, written exercises and examinations used to determine whether the student passed a course.

(d) Instructor Resumes. Schools must maintain resumes or other biographical information documenting such knowledge and experience for all postlicense and continuing education instructors who have not qualified as approved instructors under the standards of Chapter 520-2.

(e) Computer-based Courses. For all computer-based courses, each school must maintain for at least five years, in a form that the Commission authorizes, records that reflect the following:

1. the student's name, the course title, the number of hours authorized for the course, and the particular software version of the course;

2. a Commission authorized system of verification of the completion of each module of instruction within the computer-based course and the date of completion of the course; and

3. the scores for each student for all final examinations for those courses requiring such examinations;

(9) **Advertising.** This Rule regulates advertising whether done by an approved school, an approved instructor, or the provider of approved courses or through any media. The term "media" includes, but is not limited to, print, photographic, broadcast, and computer media including, but not limited to, such examples as newspapers, magazines, flyers, posters, radio, television, signs, newsletters, and internet web sites.

(a) Use of Commission Name. If a school, after approval, wishes to use the name of the Georgia Real Estate Commission in its advertising, it must indicate that the Georgia Real Estate Commission has approved the school as meeting the requirements of Georgia laws. Such advertising may not indicate in any fashion that the Georgia Real Estate Commission has any interest in the school other than insuring that it complies with the standards imposed by Georgia law. In no event can the phrase "Georgia Real Estate Commission" appear anywhere in the advertisement in larger type than the words and phrases preceding or following the phrase "Georgia Real Estate Commission."

(b) Use of the Name of a Licensed Firm. Whenever an approved school advertises that it is offering any prelicense, postlicense or continuing education at the location of a real estate firm or other organization that is not an approved school, the school must include in the advertisement the school's name and school approval number as registered with the Commission and the name of the school and the approval number must appear in equal or greater size, prominence, and frequency than the name of the firm or organization. Personnel of the approved school must:

1. give students and prospective students information concerning course offerings, except that the school may allow other persons to distribute written information prepared by the school's director/coordinator. Such printed information shall include no telephone number other than the school's number and the following statement:

   "This information provided by (name of school). Direct any questions concerning this information to (name of school)."

2. administer the registration and enrollment of students, except that the school may allow other persons to register and enroll students under the direction of the school's director/coordinator.

3. certify the students' completion of the course; and

4. maintain all records required by the Commission.

(c) Disclosure of Type of Course. Any advertising of a course must state within the body of the advertisement that the course is an in-class course or a computer-based course whichever is applicable.

(d) Use of School's Passing Percentage Statistics. An approved school may not advertise that successful completion of its courses will assist an individual in passing either of the Commission's licensing examinations unless it includes its passing percentage in the advertisement in type as large as the reference to passing the examination. In calculating and advertising its passing percentage, an approved school must include the following information:

1. the passing rate of its students:

   (i) on the examination(s) to which the advertisement refers,

   (ii) expressed as a specific percentage (language such as "more than 80% passing" is not acceptable),

   (iii) based on only first-time examinees and so state in the advertisement, and

   (iv) for the calendar year prior to the advertisement (the school must identify the year in the advertisement);

2. whether the passing rate is for the salesperson's examination or the broker's examination (salesperson and broker passing rates may not be combined);

3. the actual number of its students taking the examination in the calendar year cited; and

4. the actual number of its students passing the examination during the calendar year cited.

   An approved school that advertises courses that do not qualify an individual to sit for an examination but that the school holds out to the public as assisting an individual to pass the examination must comply with the requirements of this paragraph in advertising those courses.

(10) **Prohibition of Recruiting.**

No school coordinator/director shall allow anyone to use the school's premises or classroom to recruit new affiliates for any company one hour before, one hour after, or during an instruction period. The school coordinator/director shall cause the following statement to be distributed in written materials to all students at the beginning of the course:

"No recruiting for employment opportunities for any real estate brokerage firm is allowed in this class or on the school premises. Report promptly any effort to recruit on behalf of a brokerage firm by anyone including a fellow student to (*name of school coordinator/director*) at (*phone number and/or office location*) or the Georgia Real Estate Commission." Instructors and school coordinators/directors must promptly report to the Commission any efforts to recruit students in violation of this paragraph.

(11) **Exceptions.** Schools may request exceptions, modifications, or exemptions to the requirement of this Chapter whenever sound educational reasons exist for such a request. Schools must submit such requests in writing with supporting rationales and may implement them only after receiving written authorization from the Commission.

Cite as Ga. Comp. R. & Regs. R. 520-2-.02
Authority: Authority O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Net Listings" adopted. F. and eff. June 30, 1965.
Repealed: F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: ER. 520-2-0.2-.02 entitled "Purpose of Chapter" adopted. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "College Courses" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. Nov. 16, 1979; eff. Dec. 6, 1979.
Amended: Rule retitled "College and Equivalent Courses" adopted. F. Feb. 6, 1981; eff. Mar. 1, 1981, as specified by the Agency.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Procedures for Approval of Courses" adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Repealed: New Rule entitled "Procedures for Approval of Schools" adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.

Amended: F. Jan. 14, 1988; eff. Feb. 3, 1988.
Amended: F. June 13, 1991; eff. July 3, 1991.
Amended: F. Sept. 8, 1995; eff. Sept. 28, 1995.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Repealed: New Rule entitled "Real Estate Schools" adopted. F. May 2, 2005; eff. May 22, 2005.
Amended: Nov. 2, 2011; eff. Nov. 22, 2011.

Rule 520-2-.03. Real Estate Instructors.

(1) **Approved Instructors.** Only instructors approved by name by the Commission or guest instructors as provided for in paragraph (5) of this Rule may teach Community Association Managers Prelicense, Salespersons Prelicense, and Brokers Prelicense Courses.

(2) **Timetable for Approval.** The Commission shall approve, disapprove, or request further information on all applications for instructor approval within sixty days of the receipt of a complete application meeting the requirements of Rule 520-1-.04 and containing the data required by this Rule. The Commission, in its discretion, may elect not to process an incomplete application as defined by Rule 520-1-.04(4) unless and until all the requirements of that paragraph are met.

(3) **Application Required for Approval.** Applicants for instructor approval must file with the Commission an application and a fee as provided in Rule 520-1-.04. The applicant must sign the application and must include the status of any real estate license held by the applicant, a resume of the applicant's background, and the following information:

(a) Teaching Experience. A description of the applicant's teaching experience.

(b) Formal Education. A summary of the applicant's formal education including any degrees earned.

(c) Real Estate Education. A list of all pre-license and continuing education courses in real estate and any college real estate courses completed by the applicant.

(d) Real Estate Experience. A description of the applicant's real estate experience, membership in professional real estate associations, experience with auxiliary fields, training in real estate brokerage and education, and specific numbers and types of brokerage transactions in which the applicant has participated.

(e) Criminal Background Report. No more than sixty days prior to making application, each applicant for an instructor approval shall obtain, at the applicant's expense, and attach to the applicant's application for approval:

1. a certified criminal history report issued by the Georgia Crime Information Center of the Georgia Bureau of Investigation, indicating whether the applicant has any record of a criminal history or

2. for applicants for approved instructor who have not lived in Georgia, a certified criminal history report from their resident state, province, or territory that is equivalent to the report required in sub-paragraph (e) of this sub-section. If that report indicates that the applicant has a record in another jurisdiction, or if the applicant is unable to obtain a report as set forth in sub-paragraph (e) 2. of this sub-section, the applicant must, at the applicant's expense, provide a Federal Crime Information Center report from the Federal Bureau of Investigation.

(f) Required Courses. The application must provide evidence of the applicant's having successfully completed, within one year prior to making an application for instructor approval, the following:

1. a Commission approved instructor development workshop and

2. a Salespersons Prelicense Course including the passing of the course examination; and

(g) such other biographical information as the Commission may require.

(4) **Approval Criteria.** In approving the applicant, the Commission shall consider qualifications from paragraph (3) above. The Commission may approve a non-resident instructor that another jurisdiction's real estate regulatory body has approved and who can provide evidence of having actively taught prelicense courses as an approved instructor for at least five years. The Commission shall be the final determinant of approval of instructors.

(5) **Guest Instructors.** Schools may utilize guest instructors with expertise in particular areas in any approved course provided a properly approved instructor is present at the time of their presentation. Schools may, however, utilize guest instructors without an approved instructor's being present with the prior written approval of the Commission.

(6) **Renewal of Instructor Approval.** All instructors must apply for renewal of approval by December 31 of the year in which their approval expires. Renewal applications must be on forms supplied the Commission and accompanied by:

(a) the required renewal fee established in Rule 520-1-.04;

(b) evidence of teaching 60 instructional hours to students in a Commission approved school during the current renewal period; and

(c) evidence of successfully completing 36 hours of instructor continuing education during the current renewal period from the following:

(1) a minimum of 12 hours from the Commission's annual meetings for approved schools and instructors;

(2) course(s) that meet the requirements of this Chapter that an approved instructor teaches; or

(3) course(s) which the Commission approvers for instructor continuing education.

(d) the effective date of this amendment shall be December 31, 2017.

Cite as Ga. Comp. R. & Regs. R. 520-2-.03
Authority: O.C.G.A. §§ 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Course Approval" adopted as ER. 520-2-0.2-.03. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Amended: F. Jan. 17, 1977; eff. Feb. 6, 1977.
Amended: F. Feb. 14, 1977; eff. Mar. 6, 1977.
Repealed: New Rule entitled "Resident Course for Salesperson's Examination" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. June 5, 1980; eff. July 1, 1980, as specified by the Agency.
Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Prelicensing Courses" adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Amended: F. June 7, 1984; eff. July 1, 1984, as specified by the Agency.
Repealed: New Rule entitled "Courses" adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.
Amended: F. Sept. 13, 1990; eff. Oct. 3, 1990.
Amended: F. Nov. 16, 1990; eff. Dec. 6, 1990.
Amended: F. June 13, 1991; eff. July 3, 1991.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.
Amended: F. Sept. 8, 1995; eff. Sept. 28, 1995.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: Rule retitled "Prelicense and Postlicense Courses Offered in Residence". F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: F. Dec. 10, 2003; eff. Dec. 30, 2003.
Repealed: New Rule entitled "Real Estate Instructors" adopted. F. May 2, 2005; eff. May 22, 2005.
Amended: F. Aug. 15, 2007; eff. Sept. 4, 2007.
Amended: Nov. 2, 2011; eff. Nov. 22, 2011.
Amended: F. June 9, 2016; eff. June 29, 2016.

Rule 520-2-.04. Real Estate Courses.

(1) **Developing and Offering Courses.**

(a) Purpose. The Commission intends that all courses offered by its approved schools to meet the requirements of this Chapter shall be educational in nature. Schools should not specifically orient courses to the passing of state licensing

examinations or other examinations. The courses should introduce students to the language of the profession and basic theory underlying the duties and responsibilities of real estate licensees. They should also seek to improve licensee's skills in handling the normal business activities of a licensee. Courses must require practice in the skills being taught and provide a significant number of exercises for practice of those skills. All courses should make students aware of the need for further study and the perfection of practical skills.

(b) Course Code. An approved school may not hold out a course as meeting the requirements of this Chapter until the course is posted on the Commission's electronic record of the school's courses or the school receives other written authorization from the Commission.

(2) **Instructors.** Only instructors approved by the Commission under the standards of this Chapter may instruct Salespersons Prelicense, Brokers Prelicense, or Community Association Managers Prelicense courses. Only instructors with appropriate experience and knowledge of the content areas of Salespersons Postlicense or continuing education courses may teach these courses.

(3) **Hours of Instruction.** For all courses under the requirements of this chapter, an "instructional hour" means a period of time of at least fifty minutes of instruction or other learning activity. In-class instruction and testing in any course shall not exceed seven and one-half hours per day. The school shall hold all in-class instruction between the hours of 7:00 a.m. and 10:00 p.m. with breaks totaling at least fifteen minutes every two hours. The schedule must allow reasonable time for preparation for each classroom session. All in-class instruction for Brokers Prelicense course students shall be separate from all in-class instruction for Salespersons Prelicense course students. Instructors shall utilize no more than thirty minutes of audio or video material toward meeting any required in-class (or makeup) hours of instruction unless the Commission grants written authorization for such material prior to its use.

(4) **Prelicense Courses.**

(a) Documentation Required for Offered Courses. For each prelicense course, the approved school must maintain and make readily available to an authorized representative of the Commission the following documentation:

(1) Course Outline. A detailed course outline that identifies the hours to be spent on each subject area to be covered in the course and all planned exercises that students are required to complete.

(2) Learning Objectives. A detailed list of learning objectives for each instructional hour of the course. A learning objective is part of the overall goal of the course. An objective states, in terms that are measurable, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction.

(3) Texts. A list of text materials utilized in the course;

(4) Evaluation Materials. Copies of daily tests, final examinations, or other materials used to evaluate student performance;

(5) Student Records. - Records that identify each student and the student's attendance record and final grade for any course; and

(6) Course Evaluations. Written summaries of student evaluations of the courses.

(7) Ethics. Every course offered by an approved school for prelicense credit must include acknowledgment and coverage of the ethical implications of the subject matter of the course.

(8) Additional Subjects. Schools may offer units of instruction on subjects other than those required for courses cited in this Rule only with prior written authorization from the Commission.

(9) Reading Assignments and Exercises. For all prelicense courses cited in this Rule, schools must include with each instructional unit appropriate reading assignments for completion out of class. The school shall also require that students complete out of class extensive written exercises that the school grades.

(10) Student Certifications. Each out of class written assignment a student submits for grading must include the following:

I certify that I have personally completed this assignment.

_____ _____

Date Student's Signature

The school shall refuse to grade any out of class written assignment on which the student does not sign this statement.

(11) An approved instructor and/or the school coordinator/director must grade the written course work required of students.

(b) Community Association Managers Prelicense Course. A Community Association Managers Prelicense Course must provide for a minimum of twenty-five instructional hours. Schools may not count time students spend on breaks as part of in-class instruction time. Time students spend in taking graded exercises and

tests or final examinations may not constitute more than ten percent of in-class instruction time. The course must cover fundamentals in the following areas:

1. property law including Georgia laws on common interest ownership, public rights and limitations, and fair housing laws;

2. forms of ownership including planned unit development (PUD), homeowner's associations, condominiums, cooperatives, timeshares, townhouses, and master association relationships and how to interpret community association governing documents;

3. contracts and transaction documents including the content and negotiation of management agreements, the nature and content of insurance documents, and resale certificates;

4. real estate instruments and conveyances including notices, proxies, and liens and amendments to documents and the requirements for reinstatement;

5. law of agency including identifying and understanding agency relationships and duties between community association managers and association boards, members, and tenants of members; single and dual agency; and agency disclosure;

6. financing instruments and basic accounting practices including principles of accounting for trust accounts, for common interest associations, and for lender requirements for recertification;

7. Georgia real estate license law;

8. ethics in community association management;

9. environmental laws;

10. safety precautions; and/or

11. such other areas as the Commission may from time to time require or authorize.

(c) Salespersons Prelicense Course. A Salespersons Prelicense Course must provide for a minimum of seventy-five instructional hours. Schools may not count time students spend on breaks as part of the required instruction time. Time students spend in taking graded exercises and tests or final examinations may not constitute more than ten percent of the required instruction time. The course must cover fundamentals in the following areas:

1. real estate contracts including completing and presenting form real estate sales contracts with extensive practice with problems involving new FHA, VA, and conventional loans; loan assumptions; brokerage engagements; and leases (students must demonstrate proficiency in completing such form contracts by passing a school developed and administered test or by satisfying such other assessment measurements established by the school as the Commission may authorize);

2. real estate instruments and conveyances;

3. closing procedures (RESPA) including a salesperson's responsibilities at a loan closing conducted by someone else and an explanation of standard closing procedures and documents used in the salesperson's services area;

4. law of agency including agency disclosure;

5. pricing real property (students must demonstrate proficiency in preparing forms which document such pricing by passing a school developed and administered test or by satisfying such other assessment measurements established by the school as the Commission may authorize);

6. real estate financing including extensive practice in estimating costs of selling and purchasing property and estimating monthly payments (students must demonstrate proficiency in completing forms which document such estimates by passing a school developed and administered test or by satisfying such other assessment measurements established by the school as the Commission may authorize);

7. Georgia's Residential Mortgage Fraud law and methods for identifying possible fraud in transactions and properly reporting alleged fraud;

8. community association management activities and property management activities;

9. environmental laws;

10. taxation;

11. city and urban development;

12. fair housing;

13. anti-trust laws;

14. safety precautions;

15. Georgia's real estate license law; and/or

16. such other areas as the Commission may from time to time require or authorize.

(d) Brokers Prelicense Course. A Brokers Prelicense Course must provide for a minimum of sixty instructional hours. Schools may not count time students spend on breaks as part of the required instruction time. Time students spend in taking graded exercises and tests or the final examination may not constitute more than ten percent of the required instruction time. The Brokers Prelicense Course must review all subject areas covered in the Salespersons Prelicense Course so that students may learn advanced concepts in those areas. In addition, the course must include significant components covering conducting loan closings, real estate office management, personnel policies, trust account record keeping, discharging a broker's responsibility for associate licensees, and/or such other areas as the Commission may from time to time require or authorize.

(5) **Sales Postlicense Course.**

(a) Documentation Required for Offered Courses. For each postlicense course, the school must maintain and make readily available to an authorized representative of the Commission the following documentation:

(1) Course Outline. A detailed course outline that identifies the hours to be spent on each subject area to be covered in the course and all planned exercises that students are required to complete;

(2) Learning Objectives. A detailed list of learning objectives for each instructional hour of the course. A learning objective is part of the overall goal of the course. An objective states, in terms that are measurable, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction;

(3) Texts. A list of text materials utilized in the course;

(4) Evaluation Materials. Copies of daily tests, final examinations, or other materials used to evaluate student performance;

(5) Student Records. Records that identify each student and the student's attendance record; and

(6) Course Evaluations. Written summaries of student evaluations of the courses.

(7) Ethics. Every course offered by an approved school for postlicense credit must include acknowledgment and coverage of the ethical implications of the subject matter of the course.

(b) A Sales Postlicense Course must provide for a minimum of twenty-five instructional hours. Schools may not count time students spend on breaks as part of the required instruction time. Time students spend in taking graded exercises and tests or final examinations may not constitute more than ten percent of the required instruction time. The curriculum of the course must focus on legal fundamentals and/or basic practices in sales or management of residential, agricultural, commercial, or industrial properties. If the subject matter of the course addresses residential sales, then the course must include a component on Georgia's Residential Mortgage Fraud law and methods for identifying possible fraud in transactions and properly reporting alleged fraud.

(6) **Continuing Education Courses.** Every approved school must offer every calendar year a course designed to help licensees meet the continuing education requirements of O.C.G.A. § 43-40-8(e). This course or courses shall be in addition to the Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, or Brokers Prelicense Course.

(a) Documentation Required for Offered Courses. For each continuing education, course, the approved school must maintain and make readily available to an authorized representative of the Commission the following documentation:

(1) Course Outline. A detailed course outline that identifies the hours to be spent on each subject area to be covered in the course and all planned exercises that students are required to complete

(2) Learning Objectives. A detailed list of learning objectives for each instructional hour of the course. A learning objective is part of the overall goal of the course. An objective states, in terms that are measurable, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction.

(3) Texts. A list of text materials utilized in the course;

(4) Student Records. Records that identify each student and the student's attendance record; and

(5) Course Evaluations. Written summaries of student evaluations of the courses.

(b) Duration of Classes. No school may offer a continuing education course of fewer than three credit hours. A credit hour is defined as an "instructional hour" means a

period of time of at least fifty minutes of instruction or other learning activity. In-class instruction and testing in any course must not exceed seven and one-half clock hours per day.

(c) Subject Areas. In order to provide reasonable guidelines for approved schools but without defining every area or topic of continuing education, the Commission has identified the following areas or topics of continuing education that are considered appropriate for continuing education in addition to the areas or topics found in paragraph (4) of this Rule. These areas or topics of continuing education are:

1. all forms of real estate including agricultural, commercial, and industrial;
2. real estate development and construction
3. real estate legal descriptions, plats, and surveys;
4. land use and zoning;
5. property management, landlord/tenant issues;
6. real estate ad valorem taxes;
7. real estate title issues;
8. water rights;
9. real estate income tax issues;
10. real estate inspections;
11. business brokerage;
12. real estate auctions;
13. ethics; and
14. such other subjects as the Commission may deem appropriate.

The Commission has identified the following areas or topics that may not be considered appropriate areas or topics of continuing education unless the area or topic has the prior written authorization of the Commission. Courses designed for the personal growth, business development, or to specifically benefit the real estate licensee are discouraged. The areas or topics of continuing education that may not be considered appropriate for continuing education include, but are not limited to:

1. the psychology of selling;
2. personality assessments;
3. business development;
4. personal real estate investing;
5. retirement planning;
6. personal or business branding such as dress and presentation techniques;
7. motivational classes or seminars;
8. time management classes;
9. sales and marketing techniques unrelated to real estate;
10. instruction in the use of technology, computers, or other devices; and
11. training in social media;

Courses that have already been issued a course approval code may continue until such time as further approval may be required.

(d) Courses Exceeding Twenty-Four Hours. The Commission will accept any course for continuing education credit that exceeds twenty-four classroom hours in length only if such course also meets all requirements for approval as a Sales Postlicense course.

(e) Repeating Courses. A licensee who has successfully completed a course to meet any part of such licensee's continuing education credit may not repeat that course unless at least one full year has passed since the completion of that course.

(f) Effective July 1, 2020, any course developed to qualify as a continuing education course on the topic of license law under Rule 520-1-.05(1)(e) shall have a minimum of three credit hours and shall contain a review of material limited to the following areas of license law:

(1) The effects on license status by a licensee of prohibited conduct found in O.C.G.A. § 43-40-15(c), (d), (e), (f), (g), (h), (i), (j), (k), and (m);

(2) Requirements of a qualifying broker and an affiliated licensee upon transfer of a license from one firm to another under O.C.G.A. 43-40-19 and Rule 520-1-.07(5);

(3) Requirements of a qualifying broker and affiliate licensee concerning trust or escrow accounts under O.C.G.A. § 43-40-20 and under Rule 520-1-.08;

(4) Unfair trade practices prohibited by O.C.G.A. § 43-40-25(b);

(5) Brokerage relationships under Rule 520-1-.06;

(6) Management responsibilities of real estate firms under Rule 520-1-.07(4), (5) and 6;

(7) Advertising under O.C.G.A. § 43-40-25(b)(1), (2), (11), (12) and (21) and Rule 520-1-.09;

(8) Handling real estate transactions under Rule 520-1-.10; and

(9) Licensees acting as principals under Rule 520-1-.11.

(7) **Teaching Methods.** While instructors may use such teaching methods as lecture, discussion, questions and answers, etc. in in-class sessions, instruction should also include role play, simulations, or other similar instructional techniques designed to assist students in mastering such skills as writing offers, presenting offers, calculating costs, pricing property, and complying with fair housing laws.

(8) **Interactive Instruction Required.** Schools must present courses to students through interactive instructional techniques. Examples of interactive instruction include such teaching techniques as providing a student (1) the opportunity for immediate exchange with an instructor in a classroom setting and (2) immediate assessment and remediation through computer assisted or other audio or audiovisual interactive instruction. Schools shall not attempt to provide instruction primarily by having students (a) read text material, (b) listen to audio tapes, (c) watch video tapes or films, or (d) study questions similar to those on the state licensing examinations or by combining elements of (a) through (d) above.

(9) **Distance Education Courses.** Distance education is comprised of courses in which instruction does not take place in a traditional classroom setting but rather through other media in which distance and time separate teacher and student. Schools generally deliver distance education courses through such media as telecommunications or by computer. The Commission approves distance education courses:

(a) that meet all of the requirements of this chapter, or

(b) for which the applicant provides satisfactory documentation that the Association of Real Estate License Law Officials (ARELLO) has certified the course as meeting its distance education standards. Any Commission approval based on such an ARELLO certification will cease immediately upon notice from ARELLO

that ARELLO has discontinued such certification of the course for any reason. Synchronous Internet Courses or "Webinar" Courses require ARELLO certification. In distance education courses, a credit hour is defined as sixty minutes of instruction.

(10) **Computer-Based Courses.** The Commission approves the offering of computer-based courses that meet the specific standards of this Rule and all other applicable requirements of this Chapter.

(a) Teach to Mastery. Every course offered under this Rule must teach to mastery. Teaching to mastery means that the course must, at a minimum:

1. divide the material into major units as approved by the Commission;

2. divide each of the major units of content into modules of instruction for delivery on a computer;

3. specify the learning objectives for each module of instruction. The learning objectives must be comprehensive enough to insure that if all the objectives are met, the student will master the entire content of the course;

4. specify an objective, quantitative criterion for mastery used for each learning objective;

5. implement a structured learning method by which each student is able to attain each learning objective;

6. provide means of diagnostic assessment of each student's performance on an ongoing basis during each module of instruction. This assessment process must measure what each student has learned and not learned at regular intervals throughout each module of instruction, and the diagnostic assessment must specifically assess the mastery of each concept covered in the content material.

7. provide a means of tailoring the instruction to the needs of each student as identified in (10) (a) 5. above. The process of tailoring the instruction must insure that each student receives adequate remediation for specific deficiencies identified by the diagnostic assessment;

8. continue the appropriate remediation on an individualized basis until the student demonstrates achievement of each mastery criterion;

9. require that the student demonstrate mastery of all material covered by the learning objectives for the module before the student completes the module; and

10. consist of interactive computer-based instructional material which will reasonably require a student completing the course to expend the number of hours for which the school offers the course.

(b) Documentation of Methodology. Prior to the development of specific computer-based courses to be offered to meet prelicense, postlicense, and continuing education requirements, a school must submit to the Commission for its approval satisfactory documentation of the method by which the course will accomplish each element of mastery in paragraph (a) of this Rule. If the Commission authorizes that method, the school may utilize that method in developing any courses it may offer to meet licensees' education requirements under this chapter. The school must base the rationale for the educational processes implemented with computer-based study on sound instructional strategies systematically designed and proven effective through educational research and development. The school must specify the basis and rationale for any proposed instructional approach in any request for approval.

(c) Required Testing and Evaluation of Courses. Courses offered under this Rule must also meet the criteria outlined in this Rule except those covering in-class instruction. Except where the Commission has granted permission in writing to do otherwise, persons developing computer-based courses must:

1. when developing prelicense courses for salespersons and community association managers, utilize at least nine persons in testing programs in order to evaluate for the developer the quality of content and the user friendliness of software and hardware. Of those nine persons, at least three must be unlicensed, at least three must be licensed salespersons or community association managers, and at least six must be non-educators. Persons developing any other courses for education credit for licensees must utilize at least six persons in testing programs in order to evaluate for the developer the quality of the content and the user friendliness of software and hardware. Of those six persons at least four must be non-educators and no more than two may be brokers, unless the course will only be offered to brokers. Persons developing such courses must document that those testing the programs have varying skill and knowledge levels of computers and real estate; and

2. make reasonably available to an authorized representative of the Commission documentation on the development and testing processes utilized in its computer-based courses.

(d) The Commission has determined that the following types of programs do not meet the requirements of this Rule:

1. those programs that consist primarily of text material presented on a computer or other audio or audiovisual programs rather than in printed material;

2. those programs that consist primarily of questions similar to those on the state licensing examination;

3. Those programs that consist primarily of combinations of the elements in 1. and 2. above.

(e) An approved instructor and/or the school coordinator/director must supervise the grading of the written course work required of students in computer-based courses.

(f) Every computer-based course for the Community Association Managers Prelicense Course must consist of interactive computer-based programs that will reasonably require the student to expend at least twenty-five hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for the Salespersons Prelicense course must consist of interactive computer-based programs that will reasonably require the student to expend seventy-five hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for the Sales Postlicense Course must consist of interactive computer-based programs that will reasonably require the student to expend twenty-five hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for the Brokers Prelicense course must consist of interactive computer-based programs that will reasonably require the student to expend sixty hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for continuing education must consist of interactive computer-based instructional material that will reasonably require the student completing the course to expend the number of hours for which the school offers the course.

(g) Every school offering a computer-based course under the requirements of this Chapter must offer those courses under an instructor. For the Community Association Managers, Salespersons Prelicense, and Brokers Prelicense courses, the school must offer those courses under an approved instructor. Every instructor in a computer-based course must:

1. be available to answer students' questions or provide them assistance as necessary;

2. provide reasonable oversight of students' work in order to insure that the student who completes the work is the student who is enrolled in the course;

3. certify students as successfully completing a computer-based course only if the student:

   (i) has completed all instructional modules required to demonstrate mastery of the material,

   (ii) has attended any hours of live instruction and/or testing required for a given course, and

   (iii) has passed the final examination for the Community Association Managers, Salespersons Prelicense, Sales Postlicense, Brokers Prelicense or any test required by a continuing education course.

4. obtain from each student the following certification statement:

   I certify that I have personally completed each assigned module of instruction. I understand that if any other person has completed any module of instruction or any part of this course required for completion of the course, the school may not award credit for the course or may withdraw credit already awarded for the course**.**

   _____ _____

   Date Student's Signature

   A school or instructor may permit a student to complete this statement in an electronic or internet format in any computer-based or distance learning course. A school must provide prior documentation or demonstration to the Commission of the method by which the school will acquire this statement. The Commission must authorize the method of requiring this certification.

(h) Schools may provide homework exercises, contract forms, or other assessment exercises required in courses in a computer-based or internet delivery format. A school must provide prior documentation or demonstration to the Commission of the delivery methods prior to offering such exercises or assessments. The Commission must authorize the delivery method offered by the school.

(i) Schools may permit students in computer-based or distance-learning courses to complete written homework exercises, standard forms, or other assessment exercises. Each written assignment a student submits for completion of a computer-based or distance learning course must include the following:

"I certify that I have personally completed this assignment. I understand that if any other person has completed any assignment, contract form, or other written

assessment required for completion of the course, the school may not award credit for the course or may withdraw credit already awarded for the course."

_____ _____

Date Student's Signature

(11) **Course Examinations.** Every Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, and Brokers Prelicense Courses must conclude with an examination administered by the approved school.

(a) Scheduling. Schools shall administer final examinations for every Salesperson Prelicense and Brokers Prelicense Courses on a day when the course holds no in-class instruction. Schools may administer final examinations for every Community Association Managers Prelicense Course and Salespersons Postlicense Course on the last day of in-class instruction.

(b) Passing Score. On final examinations administered for Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, and Brokers Prelicense Courses, schools must require that students achieve a passing score on the final examination that is consistent with the passing score required on state qualifying examinations for these licenses unless a school has first obtained the written permission of the Commission to require a different passing score.

(c) Retaking a Course Examination. Schools may elect to allow any student who fails to achieve a passing score to take another examination on another day without repeating instruction. If a student fails to achieve a passing score on a second final examination, the student must repeat all instruction of that course before taking another examination.

(d) Security. Schools must maintain at least two forms of a final examination for each course and must provide the Commission, upon its request, with reasonable assurances that examinations are secure from distribution to students except upon administration of an examination. These final examinations are evaluation tools, not teaching tools. While schools may supply students with information regarding their individual proficiency in areas of the examination, they must not review specific questions from these examinations with students. The Commission may impose any sanction permitted by law on the approval of any school and/or instructor that fails to provide proper security for examinations.

(e) Content Areas for Salespersons Prelicense Examination. The final examination for the Salespersons Prelicense Course must include at least five questions each on (a) brokerage engagements, (b) legal descriptions and legal aspects of contracts, (c) methods of payment and earnest money, (d) special stipulations and writing sales contracts, (e) leases and fair housing, (f) licensees acting as

principals, (g) anti-trust laws, (h) basic finance, (i) loan types, (j) pricing property, (k) seller's costs, (l) qualifying purchasers and purchaser's costs, (m) contract closing, and (n) such other matters as the Commission may from time to time require or authorize.

(f) Examination Formats. Final Examinations for prelicense and postlicense courses should attempt to measure the student's competence in the knowledge or skills taught in the course. A school need not submit a course final examination to the Commission if: (1) the examination consists of multiple choice questions with a minimum of four choices of answers for each question; (2) the final examination for the Salespersons Prelicense Course and the Brokers Prelicense Course consists of no fewer than one hundred questions; and (3) the final examination for the Community Association Managers Prelicense Course and the Sales Postlicense Course consists of no fewer than fifty questions. A school must submit to the Commission for approval any course final examination that does not meet the above criteria prior to the examination's being administered for the course.

(g) Proctoring. Schools must provide proctors for all final examinations for prelicense and postlicense courses and for any continuing education courses that require the passing of a final examination in order to receive credit for the course. The school director, coordinator, approved instructor, or other person designated by the school director or coordinator may administer or proctor final examinations in courses. The school director or coordinator must insure that examinations are conducted according to the requirements of this chapter.

(12) **Alternatives for Meeting Prelicense Course Requirements.**

(a) College Courses. Applicants for examination may qualify to sit for examination by presenting college transcripts that show courses in real estate subjects of at least ten quarter hours or six semester hours if the application is for the salesperson's examination or fifteen quarter hours or nine semester hours if the application is for the broker's examination. Applicants for the community association manager's examination may qualify to sit for the examination by presenting college transcripts that show real estate courses of at least four quarter hours or two semester hours with a concentration in community associations and community association management.

1. Applicants must submit an official transcript at the time of making application for examination; and the applicant may be required to provide a description of the course or courses from the school's catalogue or bulletin.

2. Only courses which count towards the student's obtaining a major in the field of real estate or courses dealing with principles, fundamentals, or essentials of real estate and only courses in agency, real property law, and contract law at a school of law will satisfy this requirement. College

correspondence courses and courses that qualify for continuing education units do not satisfy the requirements of this Rule.

(b) Credits for Instructors. The Commission shall approve as meeting the education requirements for examination any instructor who submits satisfactory proof that he or she has taught a course or courses named in this Rule within two years prior to making application to sit for an examination.

(c) Sales I, Sales II, and Sales III. Applicants who successfully completed all three of the Sales I, Sales II, and Sales III courses prior to January 1, 1993, may present certificates of completion of those courses from approved schools in order to sit for the qualifying examination for a salesperson's license.

(d) Courses Approved by Other Jurisdictions. Prelicense education courses for community association managers, salespersons, and brokers authorized by the regulatory body that regulates real estate licensees in any state, district, territory, possession, or province of the United States or Canada are approved as meeting the corresponding prelicense education requirements in Georgia provided that such courses are similar in credit hours earned to Commission required prelicense courses and are offered through classroom instruction or through computer-based instruction that is consistent with the standards of these regulations.

(13) **Alternatives for Meeting Continuing Education Requirements.**

The Commission shall deem a licensee to have met the continuing education requirement of O.C.G.A. § 43-40-8(e) for a renewal period if the licensee successfully completes in a renewal period any of the following courses that have at least the total number hours of instruction the law requires the licensee to complete:

(a) Prelicense and Post-license Courses. Licensees may obtain continuing education credits by successfully completing during a renewal period a Community Association Managers Prelicense, Salespersons Prelicense, Sales Post-license, or Brokers Prelicense course. Salespersons who complete the twenty-five hour Sales Post-license course in their first year of licensure may count that course as meeting nine (9) hours of the continuing education requirement for the first renewal period.

(b) College Courses. A licensee may obtain continuing education credit for a renewal period by completing at an accredited college or university any course of four quarter hours or two semester hours

1. which counts toward obtaining a major in the field of real estate or courses dealing with principles, fundamentals, or essentials of real estate;

2. which counts toward obtaining a major in business administration, accounting, finance, or marketing offered by a college or university accredited by one the regional accrediting associations recognized by the United States Department of Education; and

3. in courses in agency, real property law, and contract law at an accredited school of law. Licensees may not use college correspondence courses or college continuing education courses to qualify under this Rule.

(c) Credits for Instructors. The Commission shall deem the continuing education requirement for a real estate renewal period as met by any instructor who submits satisfactory written proof that he or she has taught any of the courses offered under the requirements of this Chapter for a total of the hours required under Rule 520-1-.05(1) (d) during the renewal period in which the instructor is applying for a renewal of a real estate license.

(d) Non-resident Licensees. The Commission shall deem the continuing education requirement as met by any nonresident licensee who submits satisfactory written proof that he or she has met the continuing education requirement of his or her state of residence during the renewal period in which the licensee is applying for a renewal of a real estate license. If the state of residence of a nonresident licensee does not require continuing education, then such nonresident licensee must meet the continuing education requirements of a resident licensee.

(e) Courses Approved by Other Jurisdictions. Licensees may use continuing education courses authorized by the regulatory body that regulates real estate licensees in any state, district, territory, possession, or province of the United States or Canada to count toward meeting the continuing education requirement for real estate licensees in Georgia. The Commission deems such courses as meeting continuing education requirements only if a school offers the courses through classroom instruction or through computer based instruction that is consistent with the standards for computer based courses or distance education described in this Rule and only if the course is for three or more credit hours.

(14) **Verification of Course Completion.**

The Commission may require licensees completing courses under this Rule to submit transcripts or other verification of completion that the Commission deems necessary and adequate.

Cite as Ga. Comp. R. & Regs. R. 520-2-.04
Authority: O.C.G.A. §§ 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Instructors and School Directors/Principals" adopted as ER. 520-2-0.2-.04. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.

Amended: F. Jan. 17, 1977; eff. Feb. 6, 1977.
Repealed: New Rule entitled "Resident Course for Broker's Examination" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. June 5, 1980; eff. July 1, 1980, as specified by the Agency.
Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Salesperson's First Year and Second Year Courses" adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Repealed: New Rule entitled "Course Examinations" adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.
Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.
Amended: F. Nov. 10, 1988; eff. Dec. 1, 1988, as specified by the Agency.
Amended: F. Nov. 16, 1990; eff. Dec. 6, 1990.
Amended: F. June 13, 1991; eff. July 3, 1991.
Amended: F. Aug. 17, 1993; eff. Sept. 6, 1993.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.
Amended: F. Sept. 8, 1995; eff. Sept. 28, 1995.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: F. Mar. 2, 1999; eff. Mar. 22, 1999.
Amended: F. Feb. 14, 2002; eff. Mar. 6, 2002.
Amended: F. Apr. 11, 2002; eff. May 1, 2002.
Repealed: New Rule entitled "Real Estate Courses" adopted. F. May 2, 2005; eff. May 22, 2005.
Amended: F. Jan. 12, 2006; eff. Feb. 1, 2006.
Amended: F. Aug. 15, 2007; eff. Sept. 4, 2007.
Amended: Nov. 2, 2011; eff. Nov. 22, 2011.
Amended: F. July 10, 2014; eff. August 1, 2014, as specified by the Agency.
Amended: Aug. 14, 2014; eff. Sept. 3, 2014.
Amended: F. June 9, 2016; eff. June 29, 2016.
Amended: F. Jan. 21, 2020; eff. July 1, 2020, as specified by the Agency.

Rule 520-2-.05. Sanctions and Citations.

(1) **Violations.**Any violation of the provisions of this Chapter, any falsification or misrepresentation on the application for approval or renewal, or any falsification or misrepresentation of any other reports, certifications, or applications required to be submitted by this Chapter may result in withdrawal of approval or any other sanction permitted by O.C.G.A. Section 43-40-25 or any citation permitted by O.C.G.A. Section 43-40-25.2.

(2) **Schools.** Any prelicensing school whose annual percentage of students passing the real estate examination falls ten percentage points or more below the percent of total examinees passing the state real estate examination in any calendar year may have its approval withdrawn or have one of the sanctions allowed by O.C.G.A. § 43-40-25 imposed on it or any citation permitted by O.C.G.A. § 43-40-25.2.

(3) **Instructors.** If an instructor or an application for instructor has a real estate license and that license is sanctioned by the Commission, such sanction may be grounds for Commission withdrawal of approval or denial of approval as an instructor.

(4) **Hearings.** Before imposing any sanction for a violation of this Chapter, the Commission shall afford a hearing in accordance with the "Georgia Administrative Procedure Act" O.C.G.A. Cha**pter 50-13 to the school or instructor allegedly violating this Chapter.**

see also O.C.G.A. §§ 43-40-2, 43-40-8, & 43-40-25.

Cite as Ga. Comp. R. & Regs. R. 520-2-.05
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8. 43-40-25.
History. Original Rule entitled "Examinations" adopted as ER. 520-2-0.2-.05. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Correspondence Course" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. June 5, 1980; eff. July 1, 1980, as specified by the Agency. A
Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Correspondence Courses" adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.
Amended: F. Jan. 14, 1988, eff. Feb. 3, 1988.
Amended: F. June 7, 1988; eff. July 1, 1988, as specified by the Agency.
Repealed: New Rule entitled "Independent Study Courses" adopted. F. Nov. 16, 1990; eff. Dec. 6, 1990.
Amended: F. June 13, 1991; eff. July 3, 1991.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: Rule retitled "Computer-Based Courses". F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: F. Feb. 14, 2002; eff. Mar. 6, 2002.
Repealed: New Rule entitled "Sanctions" adopted. F. May 2, 2005; eff. May 22, 2005.
Amended: Title changed to "Sanctions and Citations." F. Jan. 24, 2014; eff. Feb. 15, 2014, as specified by the Agency.

Rule 520-2-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.06
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Name and Use of Commission Approval" adopted as ER. 520-2-0.2-.06. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Course of Georgia Law Only" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. June 5, 1980; eff. July 1, 1980, as specified by the Agency.
Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.
Amended: F. Jun. 13, 1991; eff. July 3, 1991.
Amended: Rule retitled "Distance Education Courses". F. May 13, 1999; eff. June 2, 1999.
Amended: F. Apr. 15, 2004; eff. May 5, 2004.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.07
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25.

History. Original Rule entitled "Georgia Proprietary School Act" adopted as ER. 520-2-0.2-.07. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Prohibition of Recruiting" adopted. F. June 13, 1979; eff. July 3, 1979.
Repealed: New Rule of same title adopted. F. Aug. 16, 1979; eff. Sept. 5, 1979.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed and a new Rule entitled "Six Hour Continuing Education Courses" adopted. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.
Amended: Rule repealed and a new Rule of same title adopted. Filed February 13, 1986; effective April 1, 1986, as specified by the Agency.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 10, 1986; effective January 1, 1987, as specified by the Agency.
Amended: Title changed to "Renewal Continuing Education Courses". Filed July 1, 1987; effective July 21, 1987.
Amended: Rule repealed and a new Rule entitled "Continuing Education Courses" adopted. Filed July 9, 1987; effective August 1, 1987, as specified by the Agency.
Amended: Filed November 10, 1988; effective December 1, 1988, as specified by the Agency.
Amended: F. Feb. 19, 1990; eff. Mar. 11, 1990.
Amended: F. Nov. 16, 1990; eff. Dec. 6, 1990.
Amended: F. Jun. 13, 1991; eff. July 3, 1991.
Amended: F. Oct. 16, 1992; eff. Nov. 5, 1992.
Amended: F. Jul. 19, 1994; eff. Aug. 8, 1994.
Amended: F. Apr. 17, 1995; eff. May 7, 1995.
Amended: F. Sept. 8, 1995; eff. Sept. 28, 1995.
Amended: F. Jun. 14, 1996; eff. July 4, 1996.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.08
Authority: O.C.G.A Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Students" adopted as ER. 520-2-0.2-.08. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Renewal of Approval" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Instructors and Facilities" adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.
Amended: F. Nov. 16, 1990; eff. Dec. 6, 1990.
Amended: Rule retitled "Instructors". F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.09
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25.
History. . Original Rule entitled "Changes" adopted as ER. 520-2-0.2-.09. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Maintenance of Records" adopted. F. June 13, 1979; eff. July 3, 1979.

Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Minimum Standards for Students" adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.
Amended: F. Nov. 16, 1990; eff. Dec. 6, 1990.
Amended: F. June 13, 1991; eff. July 3, 1991.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.10
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Violations" adopted as ER. 520-2-0.2-.10. F. and eff. July 5, 1974, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Name and Use of Commission Approval" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Maintenance of Records" adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.
Amended: F. Jan. 14, 1988; eff. Feb. 3, 1988.
Amended: F. Nov. 16, 1990; eff. Dec. 6, 1990.
Amended: F. Apr. 17, 1995; eff. May 7, 1995.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Amended: F. Feb. 14, 2002; eff. Mar. 6, 2002.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.11
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Georgia Proprietary School Act" was filed on June 13, 1979, effective July 3, 1979.
Amended: Rule repealed and a new Rule entitled "Notice to Students of Approval" adopted. Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed and a new Rule of same title adopted. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 10, 1986; effective January 1, 1987, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Nov. 16, 1990; eff. Dec. 6, 1990.
Amended: F. Jun. 13, 1991; eff. July 3, 1991.
Amended: F. Apr. 17, 1995; eff. May 7, 1995.
Amended: Rule retitled "Notice of Students". F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.12
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Minimum Standards for Students" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed and a new Rule entitled "Renewl of Approval" adopted. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 10, 1986; effective January 1, 1987, as specified by the Agency.
Amended: Filed September 10, 1987, effective September 30, 1987.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.13
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Changes" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Filed February 10, 1983; effective March 3, 1983, as specified by the Agency.
Amended: Rule repealed and a new Rule of same title adopted. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.
Amended: Rule repealed and a new Rule entitled "Changes and Exceptions" adopted. Filed July 10, 1986; effective January 1, 1987, as specified by the Agency.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.14
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Continuing Education Requirements" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed and a new Rule entitled "Advertising" adopted. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 10, 1986; effective January 1, 1987, as specified by the Agency.
Amended: F. Aug. 11, 1989; eff. Sept. 1, 1989; as specified by the Agency.
Amended: F. Feb. 19, 1990; eff. Mar. 11, 1990.
Amended: F. Feb. 14, 1991; eff. Mar. 6, 1991.
Amended: F. Jun. 13, 1991; eff. July 3, 1991.
Amended: F. Jun. 14, 1996; eff. July 4, 1996.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.15
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Violations" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule repealed and a new Rule of the same title adopted. Filed August 5, 1982, effective November 1, 1982; as specified by the Agency.
Amended: Rule repealed and a new Rule entitled "Prohibition of Recruiting" adopted. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.
Amended: Rule repealed and a new Rule of the same title adopted. Filed July 10, 1986; effective January 1, 1987, as specified by the Agency.
Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.16
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Advertising" was filed on June 9, 1983; effective July 1, 1983, as specified by the Agency.
Amended: Rule repealed and a new Rule entitled "Violations" adopted. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.
Amended: Rule repealed and a new Rule of the same title adopted. Filed July 10, 1986; effective January 1, 1987, as specified by the Agency.
Amended: F. May 15, 1989; eff. July 1, 1989, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-2-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-2-.17
Authority: O.C.G.A. Secs. 43-40-1; 43-40-2.
History. Original Rule entitled "Ethics" adopted F. Aug. 12, 1999; eff. Sept. 1, 1999.
Amended : F. Jan. 12, 2000; eff. Feb. 1, 2000.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Chapter 520-3. STANDARDS FOR REAL ESTATE COURSE INSTRUCTORS.

Rule 520-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.01
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Advertising" adopted. F. and eff. June 30, 1965.
Amended: F. Apr. 5, 1968; eff. Apr. 24, 1968.
Repealed: F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: New Rule entitled "Application for Examination" adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Purpose of Chapter" adopted. F. June 13, 1979; eff. July 3, 1979.
Repealed: New Rule of same title adopted. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.

Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.02
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Offers to Purchase" adopted. F. and eff. June 30, 1965.
Repealed: F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: New Rule entitled "Purpose of Chapter" adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Types of Instructors" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. Aug. 16, 1979; eff. Sept. 5, 1979.
Amended: F. Nov. 16, 1979; eff. Dec. 6, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. July 10, 1986; eff. January 1, 1987, as specified by the Agency.
Amended: F. June 13, 1991; eff. July 3, 1991.
Amended: F. Apr. 1, 1993; eff. Apr. 21, 1993.
Amended: F. June 14, 1996; eff. July 4, 1996.
Amended: F. Dec. 10, 2003; eff. Dec. 30, 2003.
Amended: F. June 9, 2004; eff. June 29, 2004.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.03
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Closing" adopted. F. and eff. June 30, 1965.
Repealed: F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: New Rule entitled "Course Approval" adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Amended: F. Jan. 17, 1977; eff. Feb. 6, 1977.
Amended: F. Feb. 14, 1977; eff. Mar. 6, 1977.
Repealed: New Rule entitled "Approval Procedures" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.04
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-12, 43-40-25.
History. Original Rule entitled "Deposits" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Escrow or Deposit Funds" adopted. Filed October 9, 1967; effective November 6, 1967, as specified by the Agency.
Amended: Filed June 4, 1968; effective June 24, 1968.
Amended: Rule repealed. Filed December 7, 1973; effective December 27, 1973.
Amended: Rule entitled "Instructors and School Directors/Principals" adopted. Filed September 26, 1975; effective October 16, 1975.
Amended: Filed January 17, 1977; effective February 6, 1977.
Amended: Rule repealed and a new Rule entitled "Renewal of Approval" adopted. Filed June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority. Filed August 5, 1982; effective November 1, 1982, as

specified by the Agency.
Amended: Rule repealed and a new Rule of same title adopted. Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.
Amended: Filed May 13, 1987; effective July 1, 1987, as specified by the Agency.
Amended: F. Jun. 13, 1991; eff. July 3, 1991.
Amended: F. Feb. 13, 1992; eff. Mar. 4, 1992.
Amended: F. Dec. 8, 1992; eff. Dec. 28, 1992.
Amended: F. Sept. 8, 1995; eff. Sept. 28, 1995.
Amended: F. Apr. 12, 2001; eff. May 2, 2001.
Amended: F. Dec. 10, 2003; eff. Dec. 30, 2003.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.05
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Brokers or Salesman's Personal Interest" was filed and effective on June 30, 1965.
Amended: Rule repealed and a new Rule entitled "Broker or Salesman Attempting to Act in Dual Capacity" adopted. Filed March 7, 1969; effective March 27, 1969.
Amended: Rule repealed. Filed December 7, 1973; effective December 27, 1973.
Amended: Rule entitled "Examinations" adopted. Filed September 26, 1975; effective October 16, 1975.
Amended: Rule repealed and a new Rule entitled "Evaluation of Instructors' adopted. Filed June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Filed November 14, 1983, effective January 1, 1984, as specified by the Agency.
Amended: Filed January 21, 1987; effective February 14, 1987, as specified by the Agency.
Amended: Filed January 14, 1988; effective February 3, 1988.
Amended: Filed June 7, 1988; effective July 1, 1988, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.06
Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Disclosure of Finder's Fee to Purchase" adopted. F. Mar. 7, 1969; eff. Mar. 27, 1969.
Repealed: F. Dec. 7, 1973; eff. Dec. 27, 1973.
Amended: New Rule entitled "Name and Use of Commission Approval" adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.
Repealed: New Rule entitled "Prohibition of Recruiting" adopted. F. June 13, 1979; eff. July 3, 1979.
Repealed: New Rule of same title adopted. F. Aug. 16, 1979; eff. Sept. 5, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. June 7, 1988; eff. July 1, 1988, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-3-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.07
Authority: Georgia Code Secs. 43-40-2, 43-40-8, 43-40-25.

History. Original Rule entitled "Blockbusting Forbidden" was filed on July 1, 1969; effective July 21, 1969.
Amended: Rule repealed. Filed September 19, 1972; effective October 9, 1972.
Amended: Rule entitled "Georgia Proprietary Act" adopted. Filed September 26, 1975; effective October 16, 1975.
Amended: Rule repealed and a new Rule entitled "Violations" adopted. Filed June 13, 1979; effective July 3, 1979.
Amended: Rule repealed and a new Rule of the same title adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.
Repealed: F. May 2, 2005; eff. May 22, 2005.

Rule 520-3-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.08
Authority: Ga. Code Secs. 84-1405(b), and 84-1411.
History. Original Rule entitled "Improper Use of Form Sales Contracts, etc. Prohibited" was filed July 23, 1969; effective August 11, 1969.
Amended: Rule repealed. Filed December 7, 1973; effective December 27, 1973.
Amended: Rule entitled "Students" adopted. Filed September 26, 1975; effective October 16, 1975.
Amended: Rule repealed. Filed June 13, 1979; effective July 3, 1979.

Rule 520-3-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.09
Authority: Ga. Code Secs. 84-1405(b), 84-1405(d), and 84-1411.
History. Original Rule entitled "Changes" was filed on September 26, 1975; effective October 16, 1975.
Amended: Rule repealed. Filed June 13, 1979; effective July 3, 1979.

Rule 520-3-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-3-.10
Authority: Ga. Code Secs. 84-1405(b), 84-1405(d), and 84-1411.
History. Original Rule entitled "Violations" was filed on September 26, 1975; effective October 16, 1975.
Amended: Rule repealed. Filed June 13, 1979; effective July 3, 1979.

Chapter 520-4. PROCEDURAL RULES.

Rule 520-4-.01. Hearing Procedures.

(1) All hearings in "contested cases," as that term is defined in the Georgia Administrative Procedure Act (O.C.G.A. § 50-13-13), shall be conducted by the Office of State Administrative Hearings. All proceedings pending before the Office of State Administrative Hearings shall be governed by its rules and regulations. The Commission shall initiate all proceedings in contested cases by filing the requisite pleadings with the Office of State Administrative Hearings.

(2) When the Commission denies an application for classification based on the applicant's failure to meet the requirements of O.C.G.A. § 43-40-15, notwithstanding the fact the applicant may have met the other requirements under O.C.G.A. § 43-40-15, the Commission shall notify the applicant of the denial and offer the applicant the opportunity to request a hearing before the Office of State Administrative Hearings.

Cite as Ga. Comp. R. & Regs. R. 520-4-.01
Authority: O.C.G.A. Secs. 43-40-2, 43-40-3.1, 43-40-14 to 43-40-18, 43-40-25, 43-40-27, 50-13.
History. Original Rule entitled "Procedural Rules" adopted. F. Dec. 21, 1976; eff. Jan. 10, 1977.
Repealed: New Rule entitled "General Information" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. May 7, 1980; eff. June 1, 1980, as specified by the Agency.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Amended: F. June 7, 1988; eff. July 1, 1988, as specified by the Agency.
Amended: F. Oct. 4, 1989; eff. Oct. 24, 1989.
Amended: F. Feb. 9, 1995; eff. Mar. 1, 1995.
Repealed: New Rule entitled "Hearing Procedures" adopted. F. July 21, 1995; eff. August 10, 1995.
Amended: F. Dec. 11, 2002; eff. Dec. 31, 2002.

Rule 520-4-.02. General Information.

(1) The following rules govern pre-hearing and post-hearing procedures in "contested cases" pending before the Georgia Real Estate Commission. The following rules do not apply to matters filed or pending before the Office of State Administrative Hearings.

(2) The Commission shall maintain records indicating when it received all papers relating to every proceeding to which these rules apply.

(3) The office of the Commission shall be open from 8:00 a.m. to 4:30 p.m. each week-day except Saturdays, Sundays, legal holidays, and such other times as the Governor shall declare state offices closed.

(4) All documents, including requests for hearing or review of an initial decision, correspondence, motions, and pleadings related to any matters pending before the Commission and not pending before the Office of State Administrative Hearings, shall be filed with the Real Estate Commissioner, whose office is located at Suite 1000, International Tower, 229 Peachtree Street, N.E., Atlanta, Georgia 30303-1605. Copies shall be furnished by the party filing said documents to all parties of record, including the attorney representing the Commission.

(5) All communications, correspondence, motions, and pleadings in any proceeding shall be deemed to be filed or received on the date on which they are actually received by the Commissioner.

(6) Computation of any period of time referred to in these rules shall begin with the first day following that on which the act which initiates such period of time occurs. When the last

day of the period so computed is a day on which the office of the Commission is closed, the period shall run until the end of the following business day. When such period of time, with the intervening Saturdays, Sundays, and legal holidays counted, is seven (7) days or less, the said Saturdays, Sundays, and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

(7) It shall be within the discretion of the Commission to extend, for good cause shown, any time limit prescribed or allowed by these rules. Extensions shall be granted only when the Commission is satisfied that good cause has been shown and not otherwise.

(8) Every notice, pleading, petition, motion, or other document filed by a party (other than the Commission) represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name and the attorney's address and telephone number shall be stated. A party who is not represented by an attorney shall sign the pleading and state the party's address and telephone number. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by the attorney that the attorney has read the pleading and that it is not interposed for delay.

(9) No person not employed by the Commission shall communicate ex-parte with any member of the Commission or any employee of the Commission involved in the decisional process with respect to the merits of a contested case. If any ex-parte communication is directed to any person in violation of these rules, all parties shall be immediately informed of the substance of the communication and the circumstances of its receipt; provided, that a request for information with respect to the status of a proceeding shall not be prohibited by this section.

(10) Any applicant/licensee named as a petitioner/respondent in a notice of hearing shall have a right to obtain a copy of the investigative record pertaining to the applicant/licensee upon written request. That record shall be available to the applicant/licensee or the applicant/licensee's legal counsel at the Commission office during regular business hours. Charges for copies of any material from the applicant/licensee's investigative file shall be at a rate of $.25 per page with a minimum charge of $5.00. Any material from said investigative file to be mailed shall be mailed by certified mail or statutory overnight delivery, return receipt requested, at the applicant/ licensee's expense.

Cite as Ga. Comp. R. & Regs. R. 520-4-.02
Authority: O.C.G.A. Secs. 43-40-2, 43-40-3.1, 43-40-14 to 43-40-18, 43-40-25, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Pleadings" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: New Rule entitled "General Information" adopted. F. July 21, 1995; eff. August 10, 1995.
Amended: F. Aug. 10, 2000; eff. Aug. 30, 2000.
Amended: F. Dec. 11, 2002; eff. Dec. 31, 2002.

Rule 520-4-.03. Service of Documents Generated by the Commission.

(1) Service of proposed or final decision in a contested case shall be by personal delivery or by certified mail or statutory overnight delivery to the applicant/licensee's last address of record with the Commission. All other notices, pleadings, orders, motions, and other documents shall be served by hand delivery or first class mail to the last address of record with the Commission.

(2) Service upon a party's attorney shall be deemed service upon the party.

Cite as Ga. Comp. R. & Regs. R. 520-4-.03
Authority: O.C.G.A. Secs. 43-40-2, 43-40-3.1, 43-40-14 to 43-40-18, 43-40-25, 43-40-25.2, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Motions" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: New Rule entitled "Service" adopted. F. July 21, 1995; eff. August 10, 1995.
Amended: F. Aug. 10, 2000; eff. Aug. 30, 2000.
Amended: Rule retitled "Service of Documents Generated by the Commission". F. Dec. 11, 2002; eff. Dec. 31, 2002.

Rule 520-4-.04. Posthearing Procedures.

(1) Upon issuance of an initial decision by the Office of State Administrative Hearings, any party may request a review of the initial decision by filing the request in accordance with the provisions of Rule 520-4-.02 of the Commission within thirty (30) days from the date of filing of the initial decision by the Administrative Law Judge.

(2) Any rejection or modification by the Commission of the findings of fact, conclusions of law, or disposition contained in an initial decision shall be supported by written reasons contained in the final decision by the Commission.

(3) A party may move that the matter be remanded to the Office of State Administrative Hearings for purposes of taking additional testimony. Such motions shall be filed in accordance with the provisions of Rule 520-4-.02 of the Commission and shall be granted only for good cause shown. The Commission shall notify all parties of its action upon the motion.

(4) All motions, briefs or other documents pertaining to matters pending before the Commission shall be filed with the Commission at least seven days prior to the scheduled hearing date.

(5) All petitions for judicial review shall be filed in accordance with the Georgia Administrative Procedure Act, O.C.G.A. Chapter 50-13 and must be filed in Fulton County Superior Court.

Cite as Ga. Comp. R. & Regs. R. 520-4-.04
Authority: O.C.G.A. Secs. 43-40-2, 43-40-3.1, 43-40-14 to 43-40-18, 43-40-25, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Service" adopted. F. June 13, 1979; eff. July 3, 1979.
Amended: F. Nov. 16, 1979; eff. Dec. 6, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: New Rule entitled "Posthearing Procedures" adopted. F. July 21, 1995; eff. August 10, 1995.
Amended: F. Dec. 11, 2002; eff. Dec. 31, 2002.

Rule 520-4-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-4-.05
Authority: O.C.G.A. Secs. 43-40-2, 43-40-16, 43-40-25, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Parties; Intervention" adopted. F. on June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985 as specified by the Agency.
Repealed: F. Jul. 21, 1995; Aug. 10, 1995.

Rule 520-4-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-4-.06
Authority: O.C.G.A. Secs. 43-40-2, 43-40-16, 43-40-25, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Evidence; Subpoenas" adopted. F. on June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985 as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-4-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-4-.07
Authority: O.C.G.A. Secs. 43-40-2, 43-40-16, 43-40-25, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Taking of Testimony by Deposition" adopted. F. on June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-4-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-4-.08
Authority: O.C.G.A. Secs. 43-40-2, 43-40-16, 43-40-25, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Stipulations" adopted. F. on June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-4-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-4-.09
Authority: O.C.G.A. Secs. 43-40-2, 43-40-16, 43-40-25, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Hearings" adopted. F. on June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-4-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-4-.10
Authority: O.C.G.A. Secs. 43-40-2, 43-40-16, 43-40-25, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Consolidation and Continuances" adopted. F. on June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982 as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-4-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-4-.11
Authority: O.C.G.A. Secs. 43-40-2, 43-40-16, 43-40-25, 43-40-26, 43-40-27, 50-13.
History. Original Rule entitled "Briefs and Post Hearing Procedure" adopted. F. on June 13, 1979; eff. July 3, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Chapter 520-5. STANDARDS FOR CONTRACTS FOR EDUCATION OR RESEARCH.

Rule 520-5-.01. Purpose of Chapter.

The purpose of this Chapter is to delineate the rules and regulations which the Georgia Real Estate Commission will follow in entering into contracts for education and research purposes.

Cite as Ga. Comp. R. & Regs. R. 520-5-.01
Authority: Ga. Code Sacs. 43-40-2, 43-40-22.
History. . Original Rule entitled "Purpose of Chapter" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Rule 520-5-.02. Providers.

The Commission may enter into contracts with public or private institutions or individuals to establish, continue, or expand educational opportunities or research which will benefit real estate licensees or the public in its potential dealings with licensees. The Commission shall be the sole

arbiter of which programs, if any, to fund. Priority will be given to those programs which offer continuing education opportunities to real estate licensees.

Cite as Ga. Comp. R. & Regs. R. 520-5-.02
Authority: Ga. Code Secs. 43-40-2, 43-40-22.
History. Original Rule entitled "Recipients" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Providers" adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Rule 520-5-.03. Amounts and Terms of Contracts for Education or Research.

The amount to be paid and the duration of any contract shall be as provided for in each contract. Any amendment to a contract to increase the payment or extend the time of performance shall be at the discretion of the Commission. No provision of any contract shall be construed as obligating the Commission and period during which the grant will be used shall be at the discretion of the Commission. No provision of any contract shall be construed as obligating the Commission to make any payment beyond the fiscal year in which the Commission enters into that contract.

Cite as Ga. Comp. R. & Regs. R. 520-5-.03
Authority: Ga. Code Secs. 43-40-2, 43-40-22.
History. Original Rule entitled "Amounts and Terms of Grants" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency. Repealed: New Rule entitled "Amounts and Terms of Contracts for Education or Research" adopted. F. Sept. 14, 2000; eff. October 4, 2000.

Rule 520-5-.04. Proposals.

Proposals to enter into contracts for education or research with the Commission will be required to contain the following:

(a) a statement of the educational objective of the proposed program or research;

(b) a statement of how the program will benefit real estate licensees or the public who may deal with them;

(c) if applicable, a detailed course outline, the number of educational hours in the program, length of course, schedule of instruction, location, and anticipated number of participants;

(d) if applicable, the purpose, scope, length, and place of research work;

(e) a detailed cost analysis of the entire course or project including, but not limited to such items as source of other funding for the program; cost of advertising, administration, instructors, materials, and physical facilities; and fees charged participants;

(f) evidence of approval by the State Board of Education if the school applying is subject to the Georgia Proprietary School Act, Ga. Laws 1972, p. 156 (O.C.G.A. § 20-4-60);

(g) a list of any instructors which may be used and their credentials;

(h) any academic credit to be awarded;

(i) such other information as the Commission may require at the time of application of submission of the proposal or after reviewing the proposal.

Cite as Ga. Comp. R. & Regs. R. 520-5-.04
Authority: Ga. Code. Secs. 43-40-2, 43-40-22.
History. Original Rule entitled "Applications" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. May 9, 1985; eff. July 1, 1985, as specified by the Agency.
Repealed: New Rule entitled "Proposals" adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Rule 520-5-.05. Commission Action on Proposal.

(1) The Commission shall act on all proposals within sixty days of receipt of a written original or amended proposal and shall notify the applicant in writing of:

(a) the terms of acceptance of the proposal;

(b) the reason or reasons for rejection of the proposal; or

(c) any further information needed to accept or reject the proposal.

(2) Decisions of acceptance and rejection by the Commission shall be final.

Cite as Ga. Comp. R. & Regs. R. 520-5-.05
Authority: Ga. Code Secs. 43-40-2, 43-40-22.
History. Original Rule entitled "Commission Action on Applications" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule entitled "Commission Action on Proposals" adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Rule 520-5-.06. Reports.

A full report of the expenditure of funds under any contract shall be made to the Commission within thirty days of the end of the term of the contract or at such other reasonable time or times as the Commission may require. Whenever a contract for education or research requires that the provider conduct courses, seminars, or other educational programs, the provider shall issue a certificate of attendance to all who attend any such program upon completion of the program, and shall send to the Commission within 14 days of the end of a program a list of all persons who were in attendance. All attendees of such programs shall be notified in writing by the

provider that certificates of attendance will be issued and that their attendance record will be forwarded to the Commission. The Commission may direct its representatives to monitor any program at any time and the providers shall be required to supply data to those representatives upon reasonable request.

Cite as Ga. Comp. R. & Regs. R. 520-5-.06
Authority: Ga. Code Secs. 43-40-2, 43-40-22.
History. Original Rule entitled "Reports" adopted. F. May 12, 1978; eff. June 1, 1978.
Repealed: New Rule of the same title adopted. F. Nov. 16, 1979; eff. Dec. 6, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Rule 520-5-.07. Use of Commission Name.

Any advertising of a program or project must indicate that a portion or all of the cost of the program is underwritten by the Georgia Real Estate Commission. Any publication or other educational material produced as the result of a contract must include indication that a portion or all of the cost of producing the material is underwritten by the Georgia Real Estate Commission. All participants in any program underwritten totally or in part by the Georgia Real Estate Commission must be clearly and affirmatively made aware of the participation of the Georgia Real Estate Commission and how they may forward comments on the program to the Commission. No other use of the name of the Commission shall be permitted without the Commission's prior approval.

Cite as Ga. Comp. R. & Regs. R. 520-5-.07
Authority: Ga. Code Secs. 43-40-2, 43-40-22.
History. Original Rule entitled "Use of Commission Name" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Rule 520-5-.08. Changes.

No substantive changes, including schedule of programs, may be made in a program under a contract for education or research without the prior approval of the Commission. Emergency changes may be made on a temporary basis with the prior approval of the Real Estate Commissioner subject to review and final approval by the Commission at a regularly scheduled meeting. All requests for changes and authorizations of change must be in writing before they may be implemented.

Cite as Ga. Comp. R. & Regs. R. 520-5-.08
Authority: Ga. Code Secs. 43-40-2, 43-40-22.
History. Original Rule entitled "Changes" adopted. F. May 12, 1978; eff. June 1, 1978.
Repealed: New Rule of the same title adopted. F. Nov. 16, 1979; eff. Dec. 6, 1979.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Rule 520-5-.09. Participants.

Any course offered to real estate licensees which the Commission has underwritten part or all of the cost must be available to all persons regardless of race, color, religion, sex, handicap, familial status, national origin, age, or membership in any organization.

Cite as Ga. Comp. R. & Regs. R. 520-5-.09
Authority: Ga. Code Secs. 43-40-2, 43-40-22.
History. Original Rule entitled "Participants" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. Dec. 15, 1994; eff. Jan. 4, 1995.
Repealed: New Rule, same title adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Rule 520-5-.10. Expenditures.

Any funds not expended in the implementation of a contract for education or research shall be returned to the Commission within thirty days of the termination date of the contract or at such other time as the Commission may require.

Cite as Ga. Comp. R. & Regs. R. 520-5-.10
Authority: Ga. Code Secs. 43-40-2, 43-40-22.
History. Original Rule entitled "Expenditures" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Rule 520-5-.11. Violations.

Any violation of the provisions of this Chapter, any falsification or misrepresentation in a proposal for a contract for education or research, or violation of any written agreement entered into with the Commission under this Chapter may result in a termination of the contract and the requirement that any funds paid out by the Commission be returned. Any provider under a contract for education or research found to have not properly accounted for or improperly expended any grant funds shall repay said funds plus interest at 6% per annum to the Commission and said recipient shall be ineligible to enter into any other contract for education or research with the Commission unless said recipient shall first repay said funds plus interest. Should the Commission allege any violation under this Rule, it shall provide the respondent with a formal hearing in accordance with the Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 520-5-.11
Authority: Ga. Code Secs. 43-40-2, 43-40-22.
History. Original Rule entitled " Violations" adopted. F. May 12, 1978; eff. June 1, 1978.
Amended: Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.
Amended: F. June 7, 1988, eff. July 27, 1988, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Sept. 14, 2000; eff. Oct. 4, 2000.

Chapter 520-6. REPEALED (520-6-.01 thru 520-6-.15).

Rule 520-6-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.01
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Code of Ethics" was filed and effective on June 30, 1965.
Amended: Rule repealed. Filed December 7, 1973; effective December 27, 1973.
Amended: Rule entitled "Purpose of Chapter" adopted. Filed June 13, 1979; effective July 3, 1979.
Amended: Rule repealed and a new Rule of the same title adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.02
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Salesperson's First Year Course" was filed on June 13, 1979; effective July 3, 1979.
Amended: Filed November 16, 1979; effective December 6, 1979.
Amended: Filed January 16, 1980; effective February 5, 1980.
Amended: Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.
Amended: Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.
Amended: Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.
Amended: Filed July 15, 1981; effective August 4, 1981.
Amended: Filed November 12, 1981; effective December 2, 1981.
Amended: Rule amended and the authority changed from Ga. Code Secs. 84-1405(b) and (d), 84-1411, and 84-1421 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.03
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Salesperson's Second Year Course" was filed on June 13, 1979; effective July 3, 1979.
Amended: Filed November 16, 1970; effective December 6, 1979.
Amended: Filed January 16, 1980; effective February 5, 1980.
Amended: Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.
Amended: Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.
Amended: Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.
Amended: Filed July 15, 1981; effective August 4, 1981.
Amended: Filed November 12, 1981; effective December 2, 1981.
Amended: Rule amended and the authority changed from Ga. Code Secs. 84-1405(b) and (d), and 84-1421 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983: effective January 1, 1984, as specified by the Agency.

Rule 520-6-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.04
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Six Hour Renewal Course" was filed on June 13, 1979; effective July 3, 1979.
Amended: Filed November 16, 1979; effective December 6, 1979.
Amended: Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.
Amended: Filed February 6, 1981; effective March 1, 1981, as specified by the Agency.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), 84-1411, and 84-1421 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.05
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Correspondence Course" was filed on June 13, 1979; effective July 3, 1979.
Amended: Filed June 5, 1980; effective July 1, 1980, as specified by the Agency.
Amended: Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.
Amended: Filed July 15, 1981; effective August 4, 1981.
Amended: Filed February 11, 1982; effective March 3, 1982.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1421 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.06
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Instructors and Facilities" was filed on June 13, 1979; effective July 3, 1979.
Amended: Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.07
Authority: Ga. Code Sec. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Minimum Standards for Students" was filed on June 13, 1979; effective July 3, 1979.
Amended: Filed November 16, 1979; effective December 6, 1979.
Amended: Filed May 7, 1980; effective June 1, 1980, as specified by the Agency.
Amended: Filed May 8, 1981; effective June 1, 1981, as specified by the Agency.
Amended: Filed July 15, 1981: effective August 14, 1981;
Amended: Filed February 11, 1982; effective March 3, 1982.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.08
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Prohibition of Recruiting" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.09
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Maintenance of Records" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.10
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Name and Use of Commission Approval" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983, effective January 1, 1984, as specified by the Agency.

Rule 520-6-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.11
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Georgia Proprietary School Act" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule repealed and a new Rule entitled "Notice to Students of Approval" adopted. Filed May 8, 1981: effective June 1, 1981, as specified by the Agency.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982, effective November 1, 1982as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.12
Authority: Ga. Code. Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Changes" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Filed February 10, 1983; effective March 3, 1983, as specified by the Agency.

Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.13
Authority: Ga. Code Secs. 43-40-2, 43-40-8, 43-40-25.
History. Original Rule entitled "Renewal of Approval" was filed on June 13, 1979; effective July 3, 1979.
Amended: Rule amended by changing the authority from Ga. Code Secs. 84-1405(b) and (d), and 84-1411 to 43-40-2, 43-40-8, 43-40-25. Filed August 5, 1982, effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.14
Authority: Ga. Code Secs. 43-40-2, 43.40-25.
History. Original Rule entitled "Violations" was filed on June 13, 1979, effective July 3, 1979.
Amended: Rule repealed and a new Rule of the same title adopted. Filed August 5, 1982; effective November 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Rule 520-6-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-6-.15
Authority: O.C.G.A., Secs. 43-40-2, 43-40-25.
History. Original Rule entitled "Advertising" was filed an June 9, 1983; effective July 1, 1983, as specified by the Agency.
Amended: Rule repealed. Filed November 14, 1983; effective January 1, 1984, as specified by the Agency.

Chapter 520-7. REPEALED (520-7-.01 thru 520-7-.05).

Rule 520-7-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-7-.01
Authority: Ga. Code 84-1404, 1417.
History. Original Rule entitled "Representations" was filed on September 14, 1972; effective October 4, 1972.
Amended: Rule repealed. Filed December 7, 1973; effective December 27, 1973.

Rule 520-7-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-7-.02
Authority: Ga. Code 84-1404, 1417.
History. Original Rule entitled "Solicitation" was filed on September 14, 1972; effective October 4, 1972.
Amended: Rule repealed. Filed December 7, 1973; effective December 27, 1973.

Rule 520-7-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-7-.03
Authority: Ga. Code 84-1404, 1417.
History. Original Rule entitled "Advertisements" was filed on September 14, 1972; effective October 4, 1972.
Amended: Rule repealed. Filed December 7, 1973; effective December 27, 1973.

Rule 520-7-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-7-.04
Authority: Ga. Code 84-1404, 1417.
History. Original Rule entitled "Neighborhood Disruptions" was filed on September 14, 1972; effective October 4, 1972.
Amended: Rule repealed. Filed December 7, 1973; effective December 27, 1973.

Rule 520-7-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-7-.05
Authority: Ga. Code 84-1404, 1417.
History. Original Rule entitled "Broker's Responsibility" was filed on September 14, 1972; effective October 4, 1972.
Amended: Rule repealed. Filed December 7, 1973; effective December 27, 1973.

Chapter 520-8. REPEALED (520-8-.01 thru 520-8-.09).

Rule 520-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-8-.01
Authority: O.C.G.A. Sec. 44-3-173, 44-3-191, 44-3-193, 44-3-195, 44-3-198.
History. Original Rule entitled "Fees" was filed on June 9, 1983; effective July 1, 1983, as specified by the Agency.
Amended: Filed July 7, 1983, effective August 1, 1983, as specified by the Agency.
Amended: Filed May 9, 1985, effective June 1, 1985, as specified by the Agency.
Amended: Rule repealed and a new Rule of the same title adopted. Filed November 13, 1986; effective January 1, 1987, as specified by the Agency.
Repealed: F. July. 21, 1995; eff. Aug. 10, 1995.

Rule 520-8-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-8-.02
Authority: O.C.G.A. Sec. 44-3-191, 44-3-193, 44-3-198.
History. Original Rule entitled "Registration of Time-Share Programs" was filed on June 9, 1983; effective July 1, 1983, as specified by the Agency.
Amended: Filed October 7, 1983; effective November 1, 1983, as specified by the Agency.
Amended: Filed December 6, 1984; effective January 1, 1985, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-8-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-8-.03
Authority: O.C.G.A. Sec. 44-3-173, 44-3-195, 44-3-198.
History. Original Rule entitled "Renewal of Registration" was filed on June 9, 1983; effective July 1, 1983, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-8-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-8-.04
Authority: O.C.G.A. Sec. 44-3-167, 44-3-172, 44-3-173, 44-3-175, 44-3-180, 44-3-182, 44-3-198.
History. Original Rule entitled "Maintenance of Records" was file on June 9, 1983; effective July 1, 1983, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-8-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-8-.05
Authority: O.C.G.A. Sec. 44-3-175, 44-3-182, 44-3-198.
History. Original Rule entitled "Designated Trust Account Records" was filed on June 9, 1983; effective July 1, 1983, as specified by the Agency.
Amended: Filed May 9, 1985; effective June 1, 1985, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-8-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-8-.06
Authority: O.C.G.A. Sec. 44-3-161, 44-3-171, 44-3-172, 44-3-198.
History. Original Rule entitled "Public Offering Statement" was filed on June 7, 1984; effective July 1, 1984, as specified by the Agency.
Amended: Filed May 9, 1985; effective July 1, 1985, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-8-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-8-.07
Authority: O.C.G.A. Sec. 44-3-175, 44-3-176, 44-3-198.
History. Original Rule entitled "Irrevocable Letter of Credit" was filed on May 9, 1985; effective June 1, 1985, as specified by the Agency.
Amended: F. Jul. 12, 1990; eff. Aug. 1, 1990.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-8-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-8-.08
Authority: O.C.G.A. Sec. 44-3-191, 44-3-192, 44-3-193, 44-3-198.
History. Original Rule entitled "Licenses for Persons Selling Time-Shares" was filed on September 5, 1985; effective October 1, 1985, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-8-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-8-.09
Authority: O.C.G.A. Sec. 44-3-188, 44-3-191, 44-3-193, 44-3-198.
History. Original Rule entitled "Promotional Program, Gifts, or Prizes" was filed on February 13, 1986; effective April 1, 1986, as specified by the Agency.
Amended: Rule repealed. Filed May 13, 1987; effective June 2, 1987.
Amended: New Rule entitled "Contents of Applications" adopted. F. May 15, 1992; eff. June 4, 1982.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Chapter 520-9. REPEALED (520-9-.01 thru 520-9-.06).

Rule 520-9-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-9-.01
Authority: O.C.G.A Secs. 44-3-3(8); 44-3-4(12)(D),(15)(A)(ii), and (c); 44-3-4.1; 44-3-6(d).
History. Original Rule entitled "Fees" adopted. F. Sept. 13, 1990; efF. Sept. 13, 1990; eff. Oct. 3, 1990.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-9-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-9-.02
Authority: O.C.G.A. Secs. 44-3-3(8); 44-3-4(12)(D),(15)(A)(ii), and (c); 44-3-4.1; 44-3-6(d).
History. Original Rule entitled "Renewal of Registration" adopted. F. Aug. 8, 1990; eff. Sept. 1, 1990, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-9-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-9-.03
Authority: O.C.G.A. Secs. 44-3-3(5), 44-3-6.
History. Original Rule entitled "Performance Bond, Irrevocable Letter of Credit, Financial Statement" adopted. F. Aug. 8, 1990; eff. Sept. 1, 1990, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-9-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-9-.04
Authority: O.C.G.A. Secs. 44-3-4(15), and 44-3-6(d).
History. Original Rule entitled "Land Sales Limited Offering Exemption" adopted. F. Sept. 13, 1990; eff. Oct. 3, 1990.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-9-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-9-.05
Authority: O.C.G.A. Secs. 44-3-3(4)(B),(13)(B) and 44-3-6(d).
History. Original Rule entitled "Amendments to Property Reports" adopted. F. Aug. 8, 1990; eff. Sept. 1, 1990, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Rule 520-9-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 520-9-.06
Authority: O.C.G.A. Secs. 44-3-3(11) and 44-3-6(d).
History. Original Rule entitled "Receipt for Property Report" adopted F. Aug. 8, 1990; eff. Sept. 1, 1990, as specified by the Agency.
Repealed: F. Jul. 21, 1995; eff. Aug. 10, 1995.

Chapter 520-10. GRANT PROGRAMS.

Rule 520-10-.01. Education Grants.

(1) Statutory Basis for Grant Program. O.C.G.A. § 43-40-22.

(2) **Purpose and Eligible Recipients.** The Commission makes monetary grants to public or private institutions or individuals to establish, continue, or expand educational opportunities or research that will benefit real estate licensees or the public in its potential dealings with licensees. The Commission is the sole arbiter of which programs, if any, to fund and gives priority to those programs that offer continuing education opportunities to real estate licensees.

(3) **Amounts and Terms of Grants.** The amount and period during which the grant will be used shall be at the discretion of the Commission. No grant shall be construed as obligating the Commission to make any payment beyond the fiscal year in which the Commission decides to support a particular proposal. The amount and time of payment of grants shall be at the discretion of the Commission.

(4) **Applications.** Applications for grants will be required to contain the following:

(a) a statement of the educational objective of the proposed program or research;

(b) a statement of how the program will benefit real estate licensees or the public who may deal with them;

(c) if applicable, a detailed course outline, the number of educational hours in the program, length of course, schedule of instruction, location, and anticipated number of participants;

(d) if applicable, the purpose, scope, length, and place of research work;

(e) a detailed cost analysis of the entire course or project including, but not limited to such items as source of other funding for the program; cost of advertising, administration, instructors, materials, and physical facilities; and fees charged participants;

(f) evidence of approval by the State Board of Education if the school applying is subject to the Georgia Proprietary School Act, Ga. Laws 1972, p. 156 (O.C.G.A. § 20-4-60);

(g) a list of any instructors which may be used and their credentials;

(h) any academic credit to be awarded;

(i) such other information as the Commission may require at the time of application or after reviewing the application.

(5) **Commission Action on Applications.** The Commission shall act on all applications within sixty days of receipt of a written original or amended application and shall notify the applicant in writing of:

(a) the terms of acceptance of the proposal;

(b) the reason or reasons for rejection of the proposal; or

(c) any further information needed to accept or reject the proposal.

Decisions of acceptance and rejection by the Commission shall be final.

(6) **Reports.** A full report of the expenditure of grant funds used shall be made to the Commission within thirty days of the end of the fiscal year in which such grant was made or at such other reasonable time or times as the Commission may require. Grant recipients shall issue a certificate of attendance to all who attend any grant program upon completion of the program and shall send to the Commission within ten days of the end of a program a list of all persons who were in attendance. All attendees of such grant programs shall be notified in writing by the grant recipient that certificates of attendance will be issued and that their attendance record will be forwarded to the Commission. The Commission may direct its representatives to monitor any program at any time, and the

recipients of grants shall be required to supply data to those representatives upon reasonable request.

(7) **Use of Commission Name.** Any advertising of a program or project must indicate that a portion or all of the cost of the program is underwritten by the Georgia Real Estate Commission. Any publication or other educational material produced as the result of a grant must include indication that a portion or all of the cost of producing the material is underwritten by the Georgia Real Estate Commission. All participants in any program underwritten totally or in part by the Georgia Real Estate Commission must be clearly and affirmatively made aware of the participation of the Georgia Real Estate Commission and how they may forward comments on the program to the Commission. No other use of the name of the Commission shall be permitted without the Commission's prior approval.

(8) **Changes.** No substantive changes, including schedule of programs, may be made in a proposed program without the prior approval of the Commission. Emergency changes may be made on a temporary basis with the prior approval of the real estate commissioner subject to review and final approval by the Commission at a regularly scheduled meeting. All requests for changes and authorizations of change must be in writing before they may be implemented.

(9) **Participants.** Any course offered to real estate licensees which the Commission has underwritten part or all of the cost must be available to all persons regardless of race, color, religion, sex, handicap, familial status, national origin, age, or membership in any organization.

(10) **Expenditures.** Any grant funds not expended on an approved proposal shall be returned to the Commission within thirty days of the end of the fiscal year in which the grant was made or at such other time as the Commission may require.

(11) **Violations.** Any violation of the provisions of this Chapter, any falsification or misrepresentation on the application for grant, or violation of any written agreement for a grant entered into with the Commission may result in a revocation of the grant and the requirement that any funds paid out by the Commission be returned. Any recipient of grant funds found to have not properly accounted for or improperly expended any grant funds shall repay said funds plus interest at 6% per annum to the Commission and said recipient shall be ineligible to receive any other grant funds available through the Commission unless said recipient shall first repay said funds plus interest. Should the Commission allege any violation under this Chapter, it shall provide the respondent with the opportunity for a formal hearing in accordance with the Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 520-10-.01
Authority: O.C.G.A. Sec. 44-40-22.
History. Original grant description entitled "Education Grants" received July 6, 1995.