

2022 Calendar

Georgia Instructor Training
Workshop (GIT)

- October 17-18, 2022
Atlanta, GA

For more Info, visit
greea.org

[Link to
Proposed Rule
Changes](#)

To sign up to
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[Link to GREC
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View Current
Suspensions and
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Georgia Real Estate Infobase
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Existing Listings

In an active real estate market, obtaining listings is competitive. If one Licensee has an exclusive listing on a house or lot, another Licensee cannot approach the seller and attempt to obtain the listing. It is a violation of the License Law, Rules, and Regulations to induce a seller to break an existing listing agreement. To review, there are 3 basic types of real estate listings:

1. Exclusive Right to Sell Listing
 2. Exclusive Agency Listing
 3. Open Listing.
- Most listings are an Exclusive Right to Sell Listing establishing a brokerage engagement and giving the Broker exclusivity in marketing and selling the property.
 - If the seller wants to also market the property, and the agent is willing to market the property with that condition, the listing would be an Exclusive Agency Listing.
 - If there is not exclusivity and there are multiple licensees, or the seller is also marketing the property, it is open to all of them, and would be an Open Listing.
 - If a real estate Licensee cannot obtain, or has not tried to obtain a listing on a property, but still wants to show a property to a specific client or customer, then the Licensee could enter into an Agreement to Show.

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Job Opportunity at the Georgia Real Estate Commission as Investigator

<https://grec.state.ga.us/wp-content/uploads/pdfs/About/HireREInvestigator%20%20April%202022.pdf>

July 2022 Commission Actions Taken

Cases Sent to the Attorney General for Review and Disposition by Consent Order or by Hearing	4
Cease & Desist Orders Issued	1
Citations Issued	1
Letter of Findings Issued	2
Consent Orders Entered Into	2
Final Orders of Revocation of Licensure	2
Cases Closed for Insufficient Evidence or No Apparent Violation	13
Licensing Cases - Applicant has a Criminal Conviction - License Issued	11
Licensing Cases - Applicant has a Criminal Conviction - License Denied	2
Total	38

[Click here to review a legend of the disciplinary actions the Commission may impose.](#)

SUBMITComments
&
Suggestions**Online
Courses
from GREC****\$10 each
3 Hour CE
Course
Total of 9
Hours CE
Available**(Approved as
License Law
CE and
approved as
Instructor CE)**“Avoiding
Trust
Account
Trouble”****“Practicing
Real Estate
& Staying
Out of
Trouble”****“Being a
Broker and
Staying Out
of Trouble”****Click
Here****Georgia Real Estate
Commission**Suite 1000
International Tower
229 Peachtree Street NE
Atlanta, GA 30303-1605
Phone 404-656-3916

Existing Listings...

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The Agreement to Show is not a listing. In fact, most standard Agreement to Show forms explicitly state that it is not a listing. A Broker with a listing should not also have a showing agreement on the same property as one establishes a brokerage engagement and the other does not.

In a recent case, the Commission disciplined Licensees in such a situation. In the transaction, dated May 10, 2020, on property located at 200 Donner Drive, Somewhere, Georgia. The Respondents, who were a Qualifying Broker and a Licensed Real Estate Firm:

(1) failed to review for compliance real estate documents of its affiliate, S. Smith, in which said affiliate:

(a) stipulated in Paragraph 10 of the Purchase and Sale Agreement that her Firm represented the buyer and seller as a dual agency when, in fact, she and the seller signed an Authorization to Show Unlisted Property form that outlines that there is no brokerage relationship (engagement) between the Seller and the Broker; and

(b) failed to complete Paragraph 5 of the binding Conventional Loan Contingency, Exhibit "A " dated August 16, 2019, by not including the number of days for the financing contingency period.

Ref: O.C.G.A. §§43-40-18 (b) & (c)(3); 43-40-25 (b)(28) and 43-40-25.1 and Substantive Regulations 520-1-.07 (2)(a) & (b).

- The Licensee/Respondent was required to pay, by August 1, 2020, with a cashier's check or money order made payable to Georgia Real Estate Commission, the amount of Eight Hundred Dollars (\$800.00), which sum
 - (1) constituted a fine against Respondent in the amount of \$400.00 and
 - (2) required the Commission be reimbursed the amount of \$400.00; for its administrative, investigative, and legal costs and expenses in this matter.
- The Licensee, a Qualifying Broker, was also required to successfully complete a three-hour course approved by the Commission titled "Being a Broker and Staying Out of Trouble" by August 31, 2022.



Absolutely Must Know

Marketing a property is critical to servicing the listing by exposing the property to potential buyers or tenants. Through marketing, Licensees are aware that the property is listed with a real estate Broker. Convincing a seller/owner to break an existing listing agreement in order to list with a different Broker is an Unfair Trade Practice.

[43-40-25. Violations by licensees, schools, and instructors; sanctions; unfair trade practices.](#)

(14) Negotiating a sale, exchange, or lease of real estate directly with an owner, a lessor, a purchaser, or a tenant if the licensee knows that such owner or lessor has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or that such purchaser or tenant has a written outstanding exclusive brokerage agreement with another broker, unless the outstanding listing or brokerage agreement provides that the licensee holding such agreement will not provide negotiation services to the client:



Focus on Terminology: Listing, a Brokerage Engagement

Any type of listing is a Brokerage Engagement and is defined in [Rule 520-1-.02 of the Rules and Regulations](#) as follows: "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