

2023 Calendar

Georgia Instructor Training
Workshop (GIT)

- March 9-10, 2023
Atlanta, GA

For more Info, visit
greea.org

[Link to
Proposed Rule
Changes](#)

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Disciplinary Actions](#)
View Current
Suspensions and
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Georgia Real Estate Infobase
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Broker Supervision or the Lack Thereof

A married couple practiced real estate together in the metro Atlanta area. The husband is the Qualifying Broker of the Firm. An Investigation was initiated against the Firm and the Qualifying Broker when the Georgia Real Estate Commission received a written complaint.

1. A Salesperson (the wife of the Broker) was allowed by the Qualifying Broker to conduct brokerage activity while her license was on lapsed status and again later while her license was on inactive status with the Commission. **The Broker is responsible for the acts of all licensed affiliates of the Firm. The Broker should be aware if a Licensee is practicing without an active license. At any time, the Broker can easily view the Status Report for the Firm from the GREC website.**
2. While her license was inactive, the Salesperson prepared and signed the Purchase and Sale Agreement for property located at Smith Street in Atlanta, GA.
3. The Salesperson continued to negotiate said Agreement until the closing date, while her license was lapsed. **The Broker is responsible for reviewing all contracts and failed to review all documents for compliance.**
4. The Broker allowed the Salesperson to sign said documents utilizing the name "Jane Doe," when, in fact, her name at the time of said transaction was licensed by the Commission as "Jane Smith"; **The Broker is responsible for the acts of the Licensee, especially if the Broker was aware the Licensee changed her name and was still using the prior name on real estate documents.**

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Two Job Opportunities at the Georgia Real Estate Commission

[Investigator](#) Click for More Information

[Information Specialist](#) Click for More Information

February 2023 Commission Actions Taken

Cases Sent to the Attorney General for Review and Disposition by Consent Order or by Hearing	0
Cease & Desist Orders Issued	0
Citations Issued	1
Letter of Findings Issued	0
Consent Orders Entered Into	0
Final Orders of Revocation of Licensure	3
Cases Closed for Insufficient Evidence or No Apparent Violation	15
Licensing Cases - Applicant has a Criminal Conviction - License Issued	10
Licensing Cases - Applicant has a Criminal Conviction - License Denied	1
Total	30

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



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

Poor Broker Supervision...

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5. The Broker failed to notify the Commission of the Salesperson’s violations of the Georgia License Law, Rules, and Regulations.
6. **By failing to supervise the affiliated Licensee, the Broker knowingly allowed the violations made by the Licensee and therefore ratified and became a party to those violations.**

Both the Broker and the Salesperson violated the License Law, Rules, and Regulations.

- The Qualifying Broker of the Firm was required to pay to the Georgia Real Estate Commission, a total amount of Eight Hundred Dollars (\$800.00), which sum consisted of (1) a fine against the Broker of \$400.00 and (2) \$400.00 to reimburse the Commission for its administrative, investigative, and legal costs and expenses. The Broker was required to complete within 45 days, a Commission approved course titled “Being a Broker and Staying out of Trouble.”
- The Salesperson was also cited in a separate case and was ordered to (1) pay a fine of \$400 in addition to (2) fees of \$400 to reimburse the Commission for its administrative, investigative, and legal costs and expenses. The Salesperson was required to complete within 45 days, a Commission approved course titled “Practicing Real Estate and Staying Out of Trouble.”

Whether it is a married couple, family members, or friends, the License Law, Rules and Regulations apply to all Licensees. If a family member of the Broker violates a License Law or Rule, the Broker is likely aware of the situation, especially something as obvious as a name change or a lack of education and renewal of a license.

The Broker must have Policies and Procedures for the Firm and implement and enforce them equally on all licensed affiliates. Brokers are required to provide training and supervise all Licensees affiliated with the Firm without consideration to any relationship or association.



Absolutely Must Know

Rule 520 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.

43-40-18 (c) The real estate brokerage activities of each Firm shall be under the direct management and supervision of a Broker or Qualifying Broker.

43-40-18 (b) A real estate Broker or Qualifying Broker shall be held responsible for any Licensee whose license is affiliated with such Broker's Firm should such Licensee violate any of the provisions of this chapter and its attendant rules and regulations unless the Broker is able to demonstrate that such Broker:

- (1) Had reasonable procedures in place for supervising the affiliate’s actions.
- (2) Did not participate in the violation; and
- (3) Did not ratify the violation.



Merriam Webster defines **Supervision** as “The action, process, or occupation of supervising, especially: a critical watching and directing (as of activities or a course of action) <https://www.merriam-webster.com/dictionary/supervision>

Oversight is a synonym for the term Supervision and is applicable in the practice of real estate. Oversight is “the duty or function of watching or guarding for the sake of proper direction and control.”

Other Synonyms for the term Supervision include:

Leadership, Management, Guidance, Tutelage, Stewardship, Policing.

Brokers are responsible for the proper supervision of all Licensees affiliated with the Firm.