

## 2023 Calendar

Georgia Instructor  
Training Workshop  
(GIT)  
October 16-17, 2023  
Atlanta, GA  
[Click for More Info.](#)

[Link to GREC  
Disciplinary Actions](#)  
View Current  
Suspensions and  
Revocations

[To sign up to  
receive the GREC  
RENewsletter](#)  
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[Link to  
Proposed Rule  
Changes](#)

Georgia Real Estate Infobase  
[Click Here](#)

# Notice Provisions

## Notice.

Every real estate contract has a section addressing Notice requirements so that there is a predetermined, clear method to notify parties to the transaction of any changes, dates, satisfaction of contingencies, termination, etc.

However, the signature page is often the place where the actual mailing address, email address, and phone number are entered on the contract. What happens if the Seller or the Buyer contact information is not included?

For one, the contract is not completely filled out, and the Broker (who must review every contract), should ensure that it is corrected, and all parties have a copy of the corrected contract.

Second, the parties to the contract may not get notified as needed.

If the seller is represented by the listing agent, the notices could be delivered to the Listing Broker. Notice to the Seller's agent is notice to the Seller. Notice to the Buyer's agent is notice to the Buyer. However, what if the Buyer is not represented by a real estate licensee? Who provides that notice? Hopefully, there is good and continuing communication among all the parties involved, including any attorneys and lenders.

There are various forms of Notice, such as actual, constructive, imputed, and legal notice, and there are various methods how Notice may be given. This article is not a discussion of the legal requirements and procedures of Notice, but rather a reminder that any purchase and sale contract, lease agreement, or any real estate contract contains a Notice provision, and it must be properly completed not only to enable a smooth transaction, but to avoid any violation of the Georgia Real Estate License Law, and Regulations.

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## Job Opportunities at the Georgia Real Estate Commission

[Education Advisor](#) Click for More Information

[Investigator](#) Click for More Information

[Information Specialist](#) Click for More Information

## June 2023 Commission Actions Taken

Cases Sent to the Attorney General for Review and Disposition by Consent Order or by Hearing	3
Cease & Desist Orders Issued	1
Citations Issued	4
Letter of Findings Issued	2
Consent Orders Entered Into	1
Final Orders of Revocation of Licensure	1
Cases Closed for Insufficient Evidence or No Apparent Violation	7
Licensing Cases - Applicant has a Criminal Conviction - License Issued	11
Licensing Cases - Applicant has a Criminal Conviction - License Denied	0
<b>Total</b>	<b>30</b>

**SUBMIT**Comments  
&  
SuggestionsOnline  
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  
HereGeorgia Real Estate  
Commission  
Suite 1000  
International Tower  
229 Peachtree Street NE  
Atlanta, GA 30303-1605  
Phone 404-656-3916

## Notice...

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Consider the following specific sections of the License Law, Rules, and Regulations:

[Section 43-40-18\(c\) \(3\)](#) states very clearly not only must the Broker Review, but the Broker must do so within 30 days.

The Broker is responsible for reviewing for compliance with this chapter and its Rules and Regulations all:

- Listing contracts
- Leases
- Sales contracts
- Management agreements to buy, sell, lease, or exchange real property
- Any offer to buy, sell, lease, or exchange real property.

The review includes any of these real estate documents that is accepted within the time limit of said offer secured or negotiated by the Firm's associates.

**This review shall take place within 30 days of the date of the offer.**

Consider also [Rule 520-.07](#) Management Responsibilities of Real Estate Firms 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.

One of the relevant unfair trade practice violations is listed in [43-40-25 \(b\) \(25\)](#):  
“Having demonstrated incompetency to act as a real estate licensee in such manner as to safeguard the interest of the public or any other conduct whether of the same or a different character than heretofore specified which constitutes dishonest dealing;”

**The Broker is responsible for reviewing all contracts. There is not an exception.**



### *Focus on Terminology: “Review”*

According to the Merriam Webster dictionary, the definition of “review” is:

“To go over or examine critically or deliberately, to give a critical evaluation of.”

This definition is a good reminder to every Real Estate Broker.

Considering one of the most important responsibilities of a Broker is to manage the Licenses affiliated with the Firm, reviewing real estate contracts is at the core of that brokerage management. The Broker is responsible for every contract, thereby putting his/her stamp of approval on every real estate contract.

There are numerous investigative cases where not only the licensee is found improperly completing contract forms, but the Broker is also found in violation because it is ultimately the Broker's responsibility to train, oversee, be responsible for proper contract documentation and the management and compliance with the Georgia Real Estate License Law, Rules, and Regulations.