

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

(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.

See also O.C.G.A. §§43-40-2, 43-40-10, 43-40-18, 43-40-25, 43-40-30.

Authority O.C.G.A. Secs. 43-40-2, 43-40-14, 43-40-25.