

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: Authority O.C.G.A. Secs. [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.