

Rule 520-1-.02. Definitions.

- (1) **Terms Defined by 43-40-1.** As used in this Chapter and Chapters 520-2 and 520-3, the terms "associate broker," "broker," "commission," "commissioner," "community association," "community association management services," "community association manager," "licensee," "person," "property management services," "purchaser," "real estate," and "salesperson" have the same definitions as provided for in O.C.G.A. Section 43-40-1.
- (2) **Other Terms.** As used in this Chapter and Chapters 520-2 and 520-3, the term:
 - (a) "Agency" means every relationship in which a real estate broker acts for or represents another by the latter's express authority in a real property transaction;
 - (b) "Applicant" means any person who has completed all of the requirements for a license or an approval as set forth in O.C.G.A. Chapter 43-40 and in any Chapter of the Commission's Rules and Regulations and who has submitted a complete application on the proper form accompanied by the correct fee;
 - (c) "Bank" means any financial institution regulated by a member of the federal financial institutions examination counsel and authorized to provide federally insured checking accounts;
 - (d) "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;
 - (e) "Brokerage relationship" means the agency and non-agency relationships which may be formed between the broker and the broker's clients and customers as a result of the brokerage engagement;
 - (f) "Buyer" means a purchaser, a person who acquired or attempts to acquire or succeeds to an interest in real estate;
 - (g) "Candidate for Licensure" means any person who is in the process of completing the requirements for a license or an approval as set forth in O.C.G.A. Chapter 43-40 and in any Chapter of the Commission's Rules and Regulations but who has not successfully completed all of them.
 - (h) "Client" means a person who has entered into a brokerage engagement with a real estate broker;
 - (i) "Customer" means a person who has not entered into a brokerage engagement with a broker but for whom a broker may perform ministerial acts in a real estate transaction;
 - (j) "Dual agent" means a broker who simultaneously has a brokerage relationship with both seller and buyer or both landlord and tenant in the same real estate transaction;
 - (k) "Firm" means a sole proprietorship, partnership, limited liability company, or corporation licensed by the Commission as a broker;
 - (l) "Franchise name" means any name, the use of which requires obtaining permission from another who has an existing and continuing right in that trade name by virtue of any state or federal law;

- (m) "Franchisee" means a firm licensee authorized to use a franchisor's trade name as part of or in conjunction with the licensee firm's name;
- (n) "Franchisor" means a business entity owning a trade name whose use by others the owner of the trade name controls and authorizes;
- (o) "Instructional hour" means a period of time of at least fifty minutes of instruction or other learning activity;
- (p) "Military" means the United States armed forces, including the National Guard;
- (q) "Military Spouse" means a spouse of a service member or transitioning service member;
- (r) "Ministerial acts" means those acts which the broker or affiliated licensee performs for a person which do not require discretion or the exercise of the broker or affiliated licensee's own judgment;
- (s) "Service Member" means an active or reserve member of the armed forces, including the National Guard;
- (t) "Statutory overnight delivery" means delivery of a document through the United States Postal Service or through a commercial firm which is regularly engaged in the business of document delivery or document and package delivery in which the sender:
 1. has directed that delivery be not later than the next business day following the day on which the document is received for delivery by the United States Postal Service or the commercial firm and
 2. receives a receipt acknowledging receipt of the document signed by addressee or an agent of the addressee;
- (u) "Transitioning Service Member" means a member of the military on active duty status or on separation leave who is within twenty-four months of retirement or twelve months of separation; and
- (v) "Timely" means a reasonable time under the particular circumstance.

Authority: O.C.G.A. Secs. [10-6A-3](#), [43-40-2](#), [43-40-25](#).