

CHAPTER 520-1

LICENSURE AND BROKERAGE

RULES  
OF  
GEORGIA REAL ESTATE COMMISSION

CHAPTER 520-1  
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**520-1-.02 Definitions. Amended**

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(2) Other Terms. As used in this Chapter and Chapters 520-2 and 520-3, the term:

(j) "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;

(k) "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.

(l) "Franchisor" means a business entity owning a trade name whose use by others the owner of the trade name controls and authorizes.

(m) "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;

(n) "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; and

(o) "Timely" means a reasonable time under the particular circumstances.

**520-1-.04 Obtaining a License. Amended**

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(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.

**520-1-.09 Advertising. Amended**

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(1) Media. This rule regulates advertising whether done personally by a licensee or through any media. The term "media" includes, but is not limited to, print, photographic, broadcast, and computer media including, but not limited to, such examples as newspapers, magazines, flyers, posters, business cards, billboards, radio, television, signs (including, but not limited to, office, directional, for sale, for lease, sold, or vehicle signs), newsletters, and the Internet.

(2) Misleading Advertising. Any advertising that is misleading or inaccurate in any material fact or in any way misrepresents any property, terms, values, services, or policies is prohibited. Whenever a licensee becomes aware that a principal with whom the licensee's firm has a brokerage engagement is advertising to sell, buy, rent, lease, or exchange a property in such a manner that is inconsistent with this rule, the licensee must immediately take steps to stop the advertising until it complies with this rule.

(3) Written Permission to Advertise. A licensee shall not advertise any property for sale, rent, lease, or exchange unless the licensee has first secured the written permission of the owner or the owner's authorized agent. Where such permission is granted, a licensee advertising property that is listed with another licensee shall clearly and conspicuously disclose that fact and the name of the listing licensee unless the listing licensee has expressly agreed to waive those clear and conspicuous disclosures.

(4) Discriminatory Advertising Prohibited. A licensee shall not advertise to sell, buy, exchange, rent, or lease property when such advertisement is directed at or referred to persons of a particular race, color, religion, sex, handicap, familial status, or national origin. The contents of any advertisement must be confined to information relative to the property itself, and any advertisement that is directed at or referred to persons of any particular race, color, religion, sex, handicap, familial status, or national origin is prohibited.

(5) Internet Advertising. Any licensee who advertises any property for sale, rent, lease, or exchange on the Internet must cease and remove such advertisement within ten days after the expiration of the listing. Note: See 520-1-.11(3) for requirements for licensees advertising as principals.

(6) Trade Names and Franchise Names. For purposes of this rule the term trade name shall include trade mark and service mark; and the term advertising shall include, but is not limited to, advertising done by others in behalf of the licensee.

(a) Any firm using a trade name or any franchisee shall in advertising specific properties for sale in any media clearly and unmistakably include said firm's name as registered with the Commission in a manner reasonably calculated to attract the attention of the public. The firm's name shall appear adjacent to any specific properties said firm advertises for sale so that the public may unmistakably identify the firm responsible for the handling of the listing of the specific property.

(b) Any firm using a trade name or any franchisee shall on any signs, business cards, contracts, or other documents relating to real estate transactions clearly and unmistakably include said firm's name as registered with the Commission.

(c) Any firm using a trade name or any franchisee shall clearly and unmistakably include said firm's name as registered with the Commission on office signs.

(7) Firm Names in Advertising. In advertising a specific property or properties for sale, for rent, or for exchange in any media, all firms must include in the advertisement the firm's full name as registered with the Commission and a telephone number for the firm, except when city or county ordinances forbid the use of the firm's name on a particular type of sign. In advertising a specific property or properties for sale, for rent, or for exchange, the name of the licensed firm offering the property for sale, for

rent, or for exchange shall appear in equal or greater size, prominence, and frequency than the name or names of any affiliated licensees or groups of licensees.

**520-1-.10 Handling Real Estate Transactions. Amended**

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(1.1) License Numbers in Offers and Brokerage Engagements. A licensee preparing or signing a brokerage engagement or an offer to purchase, sell, lease, or exchange real property shall include the license number issued by the Commission of each firm and of each licensee participating in the transaction. The license number shall include both the single alphabetic letter and the six digit number issued by the Commission (for example, for Firms H000001, for brokers B000002, for associate brokers A000003, or for salespersons S000004).

**520-1-.11 Licensees Acting as Principals. Amended**

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(3) Licensees Advertising as Principals. A licensee shall not advertise to sell, buy, exchange, rent, or lease property in a manner indicating that the offer to sell, buy, exchange, rent, or lease such property is being made by a private party not licensed by the Real Estate Commission.

(a) Every associate broker, salesperson, and community association manager is prohibited from advertising under the licensee's own name to buy any property or offering for sale, rent, or lease any property. All advertising by associate brokers, salespersons, and community association managers must be under the direct supervision and in the name of the broker who holds their licenses. However, when a licensee wishes to advertise property owned by the licensee and which is not under a brokerage engagement with a broker, the licensee may do so provided:

1. if the licensee's license is affiliated with a broker, the broker holding the licensee's license has been notified in writing of the specific property to be advertised;

2. regardless of whether the licensee's license is affiliated with a broker or on inactive status, any advertisement must include either the legend "(seller, buyer, landlord, tenant - select the appropriate name) holds a real estate license" or the legend "Georgia Real Estate License # (insert licensee's six digit numeric number with its preceding alphabetical designation; for example, S000001)." "Georgia Real Estate License" may be abbreviated to "GA R. E. Lic.;" and

3. if the licensee's license is affiliated with a broker, the broker gives written consent to advertising the specific property and the advertisement itself.

(b) A licensee shall not advertise that such licensee offers, sponsors, or conducts Commission approved courses or that such licensee offers, sponsors, or conducts Commission approved courses in conjunction with an approved school or other approved organization unless the licensee is approved by the Commission to offer such courses.