

CHAPTER 520-1

LICENSURE AND BROKERAGE

RULES
OF
GEORGIA REAL ESTATE COMMISSION

CHAPTER 520-1
LICENSURE AND BROKERAGE

TABLE OF CONTENTS

520-1-.09 Advertising

520-1-.09 Advertising.

(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.

(2.1) Advertising by Affiliated Licensees. 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.

(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 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) (a) Any firm using a trade name or any franchisee 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. 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.

(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.

(8) 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 (a) the legend "seller, buyer, landlord, tenant (select the appropriate name) holds a real estate license" or (b) the legend "Georgia Real Estate License # (insert licensee's six digit number; for example, 000001)." "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.

(9) Licensees Advertising Approved Schools. 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.

520-1-.11 Licensees Acting as Principals

520-1-.11 Licensees Acting as Principals

(1) Written Notification to Broker. No licensee shall be permitted to list, sell, buy, exchange, rent, lease, or option or offer to list, sell, buy, exchange, rent, lease, or option real estate, either in individual or multiple parcels, in the licensee's own name without first advising, in writing, the broker for whom the real estate licensee is acting.

see also O.C.G.A. §§43-40-1, 43-40-2, & 43-40-25(9).

(2) Offers to Buy Associated with a Brokerage Relationship. Whenever a licensee offers to purchase a property as a condition to obtaining a brokerage engagement to sell, lease, or exchange or on which the licensee is extending the expiration date of an existing brokerage engagement, the licensee must enter into a written contract to purchase which expresses all the terms and conditions of the licensee's purchase prior to or at the time of entering into the proposed brokerage engagement or into the extension of the existing brokerage engagement. Whenever a licensee offers to purchase a property in order to enable a party to purchase, sell, lease, or exchange another property, the licensee must enter into a written contract to purchase which expresses all the terms and conditions of the licensee's purchase prior to or at the time of the other party's entering into a contract to purchase, sell, lease, or exchange the new property.

(3) Licensees Advertising as Principals

Licensees advertising to buy, sell, or exchange real property for their own accounts must comply with the advertising requirements of Rule 520-1-.09.