

2024 Calendar

Georgia Instructor Training -GIT

- October 23-25
www.greea.org

GREC Annual School Meeting December 5-6 Savannah, GA

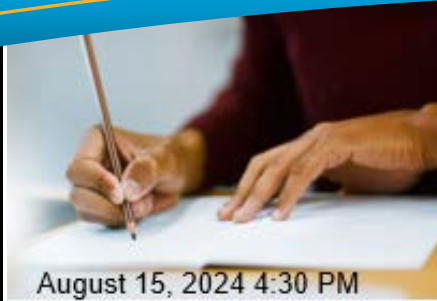
**EDUCATION
ADVISOR**
Greconnect.com
[Link](#)



[Link to
Proposed Rule
Changes](#)

[Link to GREC
Disciplinary Actions](#)
View Current
Suspensions and
Revocations

Georgia Real Estate Infobase
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August 15, 2024 4:30 PM

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Timing of Receipt

When an offer is presented or a contract is signed, earnest money is usually involved. Sometimes the earnest money deposit may not be attached to the contract on the same day the contract is signed and is provided to the Licensee a day or two later. The sales contract must specifically state when the earnest money is collected. If the contract is signed and the earnest money is not collected at the same time, the date of the contract will be different than the date of receipt of the funds.

The Commission has seen multiple cases where the date of receipt of earnest money and the date of the contract are different, but the contract does not reflect this discrepancy. In one case, a contract was dated November 28, and the Salesperson signed his name to this sales contract stipulating that the Broker had collected \$1,000 earnest money on November 28th. However, the earnest money was not actually given to the Salesperson or the Broker until December 3. This is clearly a misstatement of facts. Not only did the Salesperson sign his name on a document with false information, but the Qualifying Broker reviewed and approved it. In addition, the Licensee failed to place the Broker and Firm License numbers on the contract.

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Job Opportunity at the Georgia Real Estate Commission Opening for position as Investigator with GREC.

[Investigator](#) Click for More Information

[Information Specialist](#) Click for More Information

August 2024 Meeting - Commission Actions Taken	
Cases Sent to the Attorney General for Review and Disposition by Consent Order or by Hearing	0
Cease & Desist Orders Issued	1
Citations Issued	4
Letter of Findings Issued	1
Consent Orders Entered Into	0
Final Orders of Revocation of Licensure	2
Cases Closed for Insufficient Evidence or No Apparent Violation	10
Licensing Cases - Applicant has a Criminal Conviction - License Issued	8
Licensing Cases - Applicant has a Criminal Conviction - License Denied	3
Total	29

[Click here to review a legend of the disciplinary actions the Commission may impose.](#)

To sign up to receive the GREC RENEWSletter [Click Here](#)

**Enroll Now
GREC
Online
Courses**

**\$10 each
Total of 9
Hours CE**
(Approved as License Law CE and Instructor CE)

**“Avoiding
Trust
Account
Trouble”**

**“Practicing
Real Estate &
Staying Out
of Trouble”**

**“Being a
Broker and
Staying Out
of Trouble”**

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**SUBMIT
Comments
&
Suggestions**

**Georgia Real Estate
Commission**
Suite 1000
International Tower
229 Peachtree Street NE
Atlanta, GA 30303-1605
Phone 404-656-3916

Timing of Receipt ...

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After an investigation, the Qualifying Broker and the Salesperson **each** received a Citation requiring them to pay a fine and fees in addition to the completion of a 3-hour course approved by the Commission on legal issues and the avoidance of license law violations. [43-40-25\(b\)\(28\)](#)

The lesson is simple. When completing or reviewing a contract, if the stated facts are obviously not accurate, don't sign it until it is correct. If funds are not received at the time of signing the contract, state the conditions that will result when the funds are, or are not, deposited as required. For example, if the earnest money is not going to be collected until 3 days after acceptance of the agreement by all parties, the contract must stipulate the details of that arrangement and also stipulate what will happen if the earnest money is not provided as required. Most contract forms address the issue of earnest money, but not every situation is the same. Contract offers for many commercial transactions are prepared by an attorney specifically for that transaction.

Being clear on the date funds are received (or are required to be received at a later date) is critical so that all parties understand their obligations under the terms of the contract, in addition to being required by the License Laws, Rules, and Regulations.

The Licensee preparing the offer must be sure the terms of the contract are clear, but the Broker is responsible for reviewing all contracts and ensuring compliance with the License Laws, Rules, and Regulations. [520-1-07](#)

***If the facts
are not
accurate,
don't sign
it.***

Visit the [GREC CONNECT](#) session weekly on Fridays 9:00 AM
GREC CONNECT is a weekly Zoom call with GREC Education Advisor, Kim Yarrington. Every Friday morning at 9:00 AM via the [greconnect.com](#) website, you can join in to listen, learn, and share. Each week the topic is shared through GREC's Facebook™ page and by email. Should you have any questions, contact Kim at education@grec.state.ga.us.



Focus on “Trust Funds - OPM, Other Peoples. Money”

[The Georgia Real Estate Commission InfoBase – Chapter 6 – Georgia \(state.ga.us\)](#) discusses the handling of earnest money and other Trust Funds.

“Trust funds consist of money or other things of value not belonging to the broker but received by the broker's firm on behalf of others. Things of value entrusted to a broker are usually money, but may take other forms.

Sources of Trust Funds:

- Earnest Money
- Downpayment
- Rents
- Security Deposits
- Funds collected on Land Contracts or Wraparound Mortgages
- Any funds advanced by a party for any expenses connected with a real estate closing or property management.

A Broker's Trust Account is a bank account separate and apart from other bank accounts that a Broker may have. Its purpose is to hold funds which the Broker and the Broker's affiliated Licensees have collected on behalf of buyers and sellers and tenants and landlords separate from the broker's own funds. Typically, a Broker will have a business account for operating the Broker's Firm and a Trust Account for holding trust funds.”