

NOTICE OF INTENT TO ADOPT PROPOSED  
AMENDMENTS TO THE GEORGIA REAL ESTATE COMMISSION RULES  
CHAPTER 520  
Rule 520-1-.02 (2)  
AND NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Real Estate Commission (hereinafter "Commission") proposes amendments to the Georgia Real Estate Commission Rules, Chapter 520; Rule 520-1-.02 (2) (hereinafter "proposed rule amendments").

This notice, together with an exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments, is being disseminated to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except official State holidays, at the Georgia Real Estate Commission, Suite 1000 International Tower, 229 Peachtree Street, N. E. Atlanta, Georgia 30303. These documents will also be available for review on the Georgia Real Estate Commission web page at <http://www.grec.state.ga.us>. Copies may also be requested by contacting the Commission office at (404) 656-3916. A public hearing will be held at 9:30 a.m. on June 14, 2017, at the Georgia Real Estate Commission, Suite 1000 International Tower, 229 Peachtree Street, N. E., Atlanta, Georgia 30303 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to five (5) minutes per person. Additional comments should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be received in the office prior to the close of business (4:30 P.M.) on June 7, 2017, to allow for

timely processing. Written comments should be addressed to Frank Lynn Dempsey, Georgia Real Estate Commission, Suite 1000 International Tower, 229 Peachtree Street, N. E., Atlanta, Georgia 30303.

The proposed rule amendments will be considered for adoption by the Commission at its meeting on June 14, 2017, at 9:30 a.m. following the public hearing. According to the Department of Law, State of Georgia, the Georgia Real Estate Commission has the authority to adopt proposed rule amendments to Rule 520-1-.02 (2) pursuant to authority contained in O.C.G.A. §§ 43-40-2 (e).

The Commission will consider at its meeting on June 14, 2017, whether the formulation and adoption of the proposed rule amendments imposes excessive regulatory cost on any Georgia real estate licensee and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-40-2 (e).

Additionally, at the meeting on June 14, 2017, the Commission will consider whether it is legal or feasible to meet the objectives of O.C.G.A. § 43-40-2 (e) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4 (a), (3)(A), (B), (C) and (D). The Commission will consider whether the formulation and adoption of the proposed rule amendments will impact every real estate licensee in the same manner.

For further information, contact the Commission at (404) 656-3916.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 10<sup>th</sup> day of May, 2017.

A handwritten signature in black ink, appearing to read "Lynn Dempsey". The signature is fluid and cursive, with a large initial "L" and a long, sweeping tail.

Lynn Dempsey

Georgia Real Estate Commissioner

Posted: May 10<sup>th</sup>, 2017

SYNOPSIS OF PROPOSED AMENDMENTS TO THE

GEORGIA REAL ESTATE COMMISSION RULES

CHAPTER 520

Rule 520-1-.02 (2)

Purpose: The purpose of the proposed rule amendments is to define the terms required to implement proposed Rule 520-1-.04 (13) providing expedited processing of license applications submitted to the Commission by military spouses or transitioning service members.

Main Feature: The main feature of the proposed rule amendments is to:

Define “Military,” “Military Spouse,” “Service Member,” and “Transitioning Service Member.”

DIFFERENCES BETWEEN THE EXISTING RULES AND THE PROPOSED  
AMENDMENTS TO THE GEORGIA REAL ESTATE COMMISSION RULES

CHAPTER 520

Rule 520-1-.02 (2)

[Note: underlined text is proposed to be added; strikethrough text is proposed to be deleted.]

- (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;
- ~~(s)~~(p) "Military" means the United States armed forces, including the National Guard;
- ~~(t)~~(q) "Military Spouse" means a spouse of a service member or transitioning service member;
- ~~(p)~~(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;
- ~~(u)~~(s) "Service Member" means an active or reserve member of the armed forces, including the National Guard;
- ~~(q)~~(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; ~~and~~

~~(v)~~(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)~~(v) “Timely” means a reasonable time under the particular circumstance.