

## Calendar

### GREC Brokerage Course & Trust Accounts Class

#### Dates:

- July 13 & 14, 2011  
Cobb Association  
[www.cobbrealtor.com](http://www.cobbrealtor.com)
- August 10 & 11, 2011  
GAMLS  
<http://www.gamls.com>
- August 30 & 31, 2011  
NE Atlanta Metro Assoc  
<http://www.namar.org>

### Common Violations

#### Class Dates:

- July 27, 2011 @  
Macon, GA
- July 28, 2011 @  
Columbus, GA
- July 29, 2011 @  
LaGrange, GA
- August 8, 2011 @  
Brunswick, GA

### Georgia Instructor Training

#### Workshop Dates:

- July 14 & 15, 2011  
GIT – Macon  
[www.grec-git.com/](http://www.grec-git.com/)

[Click here to  
see GREC  
Disciplinary  
Sanctions](#)

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



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## **Just Released – The Third in the Staying Out of Trouble Series of Free Online Courses from GREC**

The third online course in the “staying out of trouble series.” is titled **“Avoiding Trust Account Trouble,”** It is written for all licensees: brokers, salespersons, associate brokers, or CAM. The new course was just released and is now available on the Georgia Real Estate Commission School web site at [www.jmre.com/grec](http://www.jmre.com/grec). You must enroll to take the course, but there is no cost and no need for credit card information. Upon completion of the course, you will receive 3 hours of Continuing Education Credit. [Just click “Register Now” on the right side of the GREC School web site.](#)

All 3 courses include examples of actual cases reviewed by the Commission describing the actions of the licensee(s), the reasons a violation occurred and the disciplinary actions taken. In addition, there are multiple links and resources,

including sample forms for Trust Accounts.

The following is a list of the major topic areas included in the course **“Avoiding Trust Account Trouble:”**

1. Trust Account Requirements
2. Proper Handling of Deposits
3. Disbursements of trust funds
4. Property Management basics
5. Licensees Acting as Principals and handling trust funds
6. Accounting for Trust Accounts; including sample accounting entries and explanations
7. Trust Account Management; including key strategies for good Trust Account management.

The other 2 courses are also still available online: **“Practicing Real Estate & Staying Out of Trouble”** and **“Being a Broker and Staying Out of Trouble.”**



[Click Here  
to Enroll](#)

### **GREC Free Online CE Courses**

Compatible for **MAC** users through the **Firefox** browser. **Windows** users can use either **Internet Explorer** or **Firefox** as the browser.

*Above graphics are Registered Trademarks of Mozilla Foundation, Apple Inc., and Microsoft Corporation and are links to their web sites.*



**Enroll Now****Free GREC CE Courses Online**

1.

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

2.

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

3.

**“Avoiding Trust Account Trouble”****Click Here**

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

[Comments or Suggestions Click Here](#)

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## *Optimism, Realism, Pessimism and the Market*

Whether it is negative news stories, an upswing in the market or discouraging financing headlines, the real estate market is clearly a central part of the economy. Real estate licensees have to filter those reports to determine the condition of their particular market and specialty. One of the services a real estate licensee can provide a client, or a customer, is information. And sometimes that information can make the difference between a successful transaction and one that never comes close to closing. However, if the information is provided to a customer, the licensee must be careful not to add his/her opinion or advice to avoid creating a possible dual agency situation.

The unfair trade practices of the

License Laws, Rules and Regulations in Chapter 43-40-25 clearly states that it is a violation to make any substantial misrepresentations or to make claims that guarantee future profits which may result from the resale of real estate.

If a licensee substantially exaggerates the facts to a point that an individual makes a decision based upon those inflated statements, it could result in a violation.

Quite often the local situation is more positive than the national view. Providing information that is not politically oriented, but factual in nature and relative to the needs of the client or customer can be a service that distinguishes the professional real estate licensee from other licensees.

### **Quick Question: *Can the Commission call my broker and get my commission check corrected (or paid)? And can I file a complaint with the Commission against another company in order to collect my share of a commission?***

No. and No. The license law does not permit the Commission to intervene in disputes between licensees about fees. Payment of commissions between licensees is a matter of contract law, not license law. Such issues are generally controlled by company policies and employment or independent contractor agreements between the licensees. If disputes arise and cannot be resolved by direct negotiations, licensees must resort to arbitration or the courts for settlement. See [Rule 520-1-.07 \(5\)](#).



### **Focus on Terminology: “Commission”**

BRRETA describes a brokerage engagement as a written agreement between the parties that states how the broker may receive a valuable consideration for producing a seller, buyer, tenant, or landlord ready, able, and willing to sell, buy, or rent the property or performing other brokerage services. Many professionals in other industries are paid “on commission,” and this typically means the fee is a percentage of some sales number or value. However, the term commission takes on a broader meaning in real estate brokerage activities as it can be paid in many forms and methods and it must be negotiated in compliance with anti-trust laws. A real estate licensee must be actively licensed while conducting all brokerage activities to be entitled to receive a commission. Whether a Broker receives a percentage of the sales price, a set fee, a promissory note, or a car, in return for brokerage services, it must be paid by the Broker holding the licensee’s license (unless the licensee’s Broker agrees in writing otherwise). A commission cannot be paid to an unlicensed person. A referral payment between licensees is a commission. However, a licensee cannot pay a referral fee to an unlicensed person and to do so is a violation of the License Laws, Rules, and Regulations.