

RULES
OF
GEORGIA REAL ESTATE COMMISSION

CHAPTER 520-1
LICENSURE AND BROKERAGE

520-1-.04 Obtaining a License.

(4) Applications. Applications for licensure, for renewal of license, for transfer of license, for any change in status of a license, and for any change in the name of a firm required to be filed with the Commission, must be on Commission approved forms. Each Commission approved form may require the email address of an applicant and his or her affiliated firm (s), if an email address is maintained by such applicant or firm. Changes in other information required to be filed with the Commission such as changes in trust accounts, address changes, email address changes, and individuals' name changes may be done by letter or email.

(a) Any such application, change of information, or fee required to be filed with the Commission may be filed with the Commission by:

1. personal delivery to the Commission's offices during regular business hours;
2. mail in a letter postmarked by the United States Postal Service;
3. private courier or delivery service; or
4. electronic facsimile (fax) transmission or email, if the application does not require the payment of a fee.

(b) The effective date of the filing of the application or fee shall be the United States Postal Service postmarked date, if mailed, or if otherwise filed, the date the Commission dates receipt of the application or fee. In the event that receipt by the Commission of an application or fee occurs later than the deadline for the filing of such application or fee, the applicant or licensee shall bear the burden of proof that the application or fee was timely filed.

(c) If an applicant or a candidate for licensure submits an application on a form which is no longer in use by the Commission and pays the correct fee in effect on the date of the application, the Commission may require the applicant to submit a new application on its latest form at no further cost to the applicant.

(d) A licensee, an applicant, or a candidate for licensure must supply all information requested on any form the licensee submits to the Commission. Failure to supply all information shall cause the application to be incomplete. An application is incomplete if the applicant or a candidate for licensure fails to include the proper fee, to attach any required documents, to provide all requested biographical or other data, to include required signatures, or to include legible responses. Failing to disclose each and every criminal conviction, as defined by O.C.G.A. § 43-40-15(a), or license disciplinary action that the applicant may have in this state or any other jurisdiction may constitute a falsified application.

(e) The Commission may assess the fees cited in Substantive Regulation 520-1-.04(1) on any incomplete application and may return any incomplete application, or any obsolete application, or any application on a non-approved form to a licensee or applicant by mail at either (1) the address listed on the incomplete or incorrect application or (2) the last known business address of record in the Commission's files if the incomplete or incorrect application contains no address.

(f) The Commission will provide reasonable accommodation to a qualified candidate for licensure with a disability in accordance with the Americans With Disabilities Act. The request for an accommodation by an individual with a disability must be made in writing and received in the Commission's office by the application deadline along with appropriate documentation, as indicated in the Commission's *Request for Disability Accommodation Guidelines*.

(g) Whenever an applicant or a candidate for licensure submits to the Commission an original application on paper for licensure as, including but not limited to, a broker, an associate broker, a salesperson, a community association manager, a sole proprietor firm, a corporation, a limited liability company, or a partnership or for approval as a school or an instructor, the Commission shall maintain the paper record for a period of 15 years and may then destroy the application. Whenever a licensee submits any other application to the Commission on paper, the Commission shall maintain the paper record for a period of one year and may then destroy the application. The Commission shall maintain all electronic licensing records for a period of at least 15 years.

Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, & 43-40-25.