

2024 Calendar

TBA

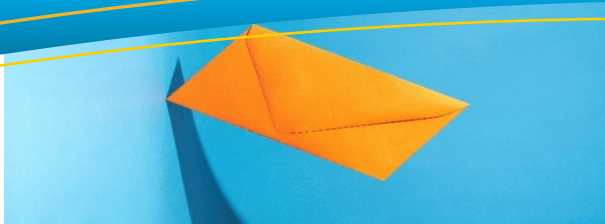
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Georgia Real Estate Infobase



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Written Solicitations by Unlicensed Parties

An amendment to Title 10 of the Office Code of Georgia Annotated related to commercial trade and brokerage engagements addresses unsolicited inquiries to purchase real estate by parties **other than** real estate Licensees and became effective January 1, 2024.

This amendment of (Senate Bill (SB) 90) clarifies that such solicitation is an unfair or deceptive practice. This does not apply to a real estate Licensee, a licensed contractor, or an attorney. However, real estate Licensees should be aware of these new requirements to recognize this deceptive practice by unlicensed parties.

The Amendment to SB 90 makes it easier for Georgia to protect the public from predatory and deceptive practices.

New Code section 10-1-393.19 states that anyone that is **not** a real estate Licensee that makes any unsolicited written inquiry or mail expressing an interest in buying real property or offers services relating to the sale of real estate shall include the following statement

“THIS IS A SOLICITATION. THE SENDER IS CONTACTING YOU TO INQUIRE AS TO YOUR INTEREST IN SELLING YOUR HOME OR OTHER REAL ESTATE. YOU ARE UNDER NO OBLIGATION TO RESPOND.”

...Continued on page 2

GREC Education News

Visit [Greconnect.com](https://www.greconnect.com) the weekly livestream informational session with Kim Yarrington, GREC Education Advisor.

When? Weekly on Fridays beginning at 9:00 AM.

Where? Use **this QR Code** and click on the yellow box. This will take you to the meeting. Or click here [Greconnect.com](https://www.greconnect.com).



March 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	1
Letter of Findings Issued	0
Consent Orders Entered Into	0
Final Orders of Revocation of Licensure	1
Cases Closed for Insufficient Evidence or No Apparent Violation	5
Licensing Cases - Applicant has a Criminal Conviction - License Issued	3
Licensing Cases - Applicant has a Criminal Conviction - License Denied	2
Total	13

Written Solicitations by Unlicensed Parties

...Continued from page 1

The wording specifically includes formatting requirements for the mailing/solicitation. Formatting requirements include the placement of the text and the relative size of the font. In addition, the front of the envelope or mailing must state:

“SOLICITATION. YOU ARE UNDER NO OBLIGATION TO OPEN OR TO RESPOND.”

If the solicitation does not comply with the new requirements, it is considered an unfair or deceptive act or practice and is illegal. The punishment for failing to include the statement or failing to meet the specific wording and formatting requirements is the greater of actual damages or \$200 per violation. When multiple mailings are distributed this could be a signification penalty and could be the subject of a class action.

If a party receives such a mailing/solicitation that does not include the specific disclaimer in proper form and compliance, it should be reported to the Attorney General’s Consumer Protection Division.

This article is a summary of salient points only. For further details, exceptions, and clarification see the exact wording of [Georgia General Assembly - SB 90 \(ga.gov\)](http://www.ga.gov).

Job Opportunity at the Georgia Real Estate Commission

Opening for position as Investigator with GREC.

[Information Specialist](#) Click for More Information

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Focus on “deceptive trade practices”



O.C.G.A. § 10-1-372

“(a) A person engages in a deceptive trade practice when, in the course of his business, vocation, or occupation, he:

- (1) Passes off goods or services as those of another;
- (2) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with or certification by another;
- (4) Uses deceptive representations or designations of geographic origin in connection with goods or services;
- (5) Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;
- (6) Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;
- (7) Represents that goods or services are of a particular standard, quality, or grade or that goods are of a particular style or model, if they are of another;
- (8) Disparages the goods, services, or business of another by false or misleading representation of fact;
- (9) Advertises goods or services with intent not to sell them as advertised;
- (10) Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;
- (11) Makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions; or
- (12) Engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.

(b) In order to prevail in an action under this part, a complainant need not prove competition between the parties or actual confusion or misunderstanding.”

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