

Maximum One Licensee Use of an Assistant

MX1 Agent Must:

- Have a Signed Agreement with the Assistant – Broker must also sign
- If Assistant is UNLICENSED, Agent must adhere to GREC Rules 520-1-.07)6e & f) – outlining tasks unlicensed personnel may & may not perform
- If MX1 Agent is going to use or be a Licensed Assistant for an Agent / Broker of another Real Estate Firm
 - All Above
 - MX1 Broker & Broker of Other Firm must sign the MX1 Form “Broker Permission to Be or Use Licensed Assistant for Agent / Broker of Another Firm

Supporting Information:

- **License Laws:**
 - GREC Rule 520-1-.07 (6c) – Management Responsibilities
 - GREC Rule 520-1-.07 (6d) – Management Responsibilities
 - GREC Rule 520-1-.07 (6e&f) – Management Responsibilities
 - OCGA 43-40-25b(7) – Unfair Trade Practices
- **GAR FORM CO07 – Agreement for Licensee Use of Real Estate Assistant** (use or use as a sample)
- **MX1 Form if Using or Being Licensed Assistant for Agent / Broker Licensed with Another Firm – “Broker Permission to Be or Use Licensed Assistant of Another Firm”**
- **Management Responsibilities GREC Rules 520-1-.07 (6e&f) – Tasks for Unlicensed Support Personnel**

LICENSE LAWS:

Management Responsibilities (520-1-.07(6c)) - An individual actively licensed with one firm may work as support personnel for a different firm or for a licensee(s) of a different firm with the written consent of the broker of each firm. An individual whose license is on inactive status may work as support personnel for a firm or any affiliated licensee.

Management Responsibilities (520-1-.07(6d)) - Any real estate brokerage firm that allows an affiliated licensee to utilize support personnel to assist that licensee in carrying out his or her real estate brokerage activities must:

1. enter into a written agreement with the affiliated licensee authorizing the use of the support personnel, delineating the duties that the support personnel may perform, and approving any compensation arrangement that the firm permits the affiliated licensee to have with the support personnel;
2. enter into a written agreement with the support personnel assisting its affiliated licensee specifying any duties that the support personnel may undertake in behalf of the affiliated licensee;
3. assure that the affiliated licensee and the support personnel have entered into a written agreement specifying all duties that the support personnel may undertake in behalf of the affiliated licensee and the manner in which the support personnel shall be compensated

Unfair Trade Practices (OCGA 43-40-25b(7)) - Representing or attempting to represent a real estate broker, other than the one holding the licensee's license, without the express knowledge and consent of the broker holding the license;

Management Responsibilities (520-1-.07(6e)) - In order to provide reasonable guidelines for licensees and their support personnel, but without defining every permitted or prohibited activity, the commission has identified the following tasks that **unlicensed support personnel** under the direct supervision of a licensee affiliated with a broker can perform:

1. answering the phone and forward calls to a licensee
2. submitting data on listings to a multiple listing service
3. checking on status of loan commitments, after a contract has been negotiated
4. assembling documents for closings
5. securing documents that are public information from the courthouse and other sources available to the public
6. having keys made for company listings and installing/removing lock boxes
7. writing ads/promotional materials for the approval of the broker
8. placing ads in magazines, newspapers, and other media as directed by the supervising broker
9. receiving, recording, and depositing earnest money, deposits, advance rents
10. typing contract forms as directed by the licensee and the broker
11. monitoring personnel files and license reports from the commission
12. computing commission checks
13. placing signs on property and removing such signs
14. ordering items of routine repair as directed by a licensee
15. acting as courier for such purposes as delivering documents or picking up keys [the licensee remains responsible for assuring delivery of contracts and closing documents as required by O.C.G.A. Section 43-40-25 (a)(19) & (20)]
16. scheduling appointments for a licensee to show listed property
17. arranging dates and times for inspections
18. arranging dates and times for mortgage application, walk through, closing
19. scheduling an open house
20. accompanying licensee to an open/showing, only for security purposes
21. performing physical maintenance on a property *10/16/2014*

Management Responsibilities - 520-1-.07(6f) - The Commission has identified the following tasks that **unlicensed support personnel** under the direct supervision of a licensee affiliated with a broker cannot perform:

1. making cold calls by telephone or in person or otherwise contacting the public for the purpose of securing prospects for listings, leasing, sales, exchanges, or property management
2. hosting open houses, kiosks, home show booths, or fairs
3. preparing promotional materials or advertisements without the review and approval of licensee and supervising broker
4. showing property
5. answering any questions on title, financing, or closings (other than the time and place)
6. answering any questions regarding a listing except for information on price and amenities expressly authorized in writing by the licensee
7. discussing or explaining a contract, listing, lease, agreement, or other real estate document with anyone outside the firm
8. negotiating or agreeing to any commission, commission split, management fee, or referral fee on behalf of a licensee
9. discussing the attributes or amenities of a property, under any circumstances, with a prospective purchaser or lessee
10. discussing with the owner of real property, the terms and conditions of the real property offered for sale or lease
11. collecting or holding deposit monies, rent, other monies or anything of value received from the owner of real property or from a prospective purchaser or lessee;
12. providing owners of real property or prospective purchasers or lessees with any advice, recommendations or suggestions as to the sale, purchase, exchange, or leasing of real property that is listed, to be listed, or currently available for sale or lease
13. holding himself or herself out in any manner, orally or in writing, as being licensed or affiliated with a particular firm or real estate broker as a licensee

Separate MX1 Form for MXGA & MXGR – This is a Sample:

BROKER PERMISSION TO BE or USE LICENSED
ASSISTANT OF ANOTHER FIRM

Per **GREC Rule 520-1-.07(6c&d)** & **OCGA 43-40-25(b7)** the following Broker permission is granted:

Maximum One Realty Greater Atlanta (GREC Firm H-56897) Agent _____, Real Estate License Number: _____, has the Broker's express written permission to act as an Assistant for other licensees in other Real Estate Brokerage Firms in Georgia as delineated below:

Other Firm Name: _____

Other Firm GREC Number: _____

Other Firm Qualifying or Managing Broker Name: _____

Other Firm Qualifying or Managing Broker Email: _____

Agent affirms that agent has an Agreement to perform duties of a licensed assistant with the other Licensee affiliated with another Real Estate Firm that is signed by MX1 Agent, Affiliated Licensee & Broker per **GREC Rule 520-1-.07(6d)**. (Parties may or may not use GAR Form CO07.)

All parties agree to indemnify and hold agent Maximum One Greater Atlanta, REALTORS® harmless from and against all claims, injuries, suits and damages arising out of other Broker's use of licensee as assistant.

Maximum One Realty Greater Atlanta H-56897	
Maximum One Brokerage Name & GREC Firm Number	Other Brokerage Firm Name & GREC Firm Number

Qualifying / Managing Broker Signature Date

Other Broker / Managing Broker Signature Date

MX1 Broker Name

Other Broker Name

Maximum One Agent Signature Date

Maximum One Agent Name