



CHEROKEE ASSOCIATION OF REALTORS®

GAR COMMITTEE REPORT FORM

Committee: _____ Meeting Date: _____

Member

Attended: _____

Association Executive Report Submitted To:

Date:

Items Discussed:

Seth Weissman - GAR Legal Counsel:

What protections to brokers have in Georgia vs. other states?

Do not owe fiduciary duty to clients and customers - unless you specifically agree in that capacity. This is the highest legal duty and very few states agree to that . Brokers can state in their policy and procedures manual for agents to never hold ourselves as owing the fiduciary duty. Look at the GAR ICA Agreement.

Added language to GAR forms to protect commission to be paid. Ensure that agents obtain a buyers brokerage agreement when working with buyers.

GAR disclaimer stating that REALTORS are not experts nor do we have levels of expertise in regards to surveys, inspections, etc. If a client tries to strike through that in agreement agent may want to reconsider working with client (red flag).

Brokers may want to consider not letting agents represent themselves when acting as principal in a transaction. Require that they obtain another agent in office to handle transaction for a nominal fee. Brokers E&O insurance may not protect the broker or excludes coverage when a licensee acts as a principal in a transaction.

Brokers need to review and have a better Policy and Procedures Manual. Release hard to work with agents. Thoroughly train agents on Fair Housing, Form Changes and make these required trainings.

Thoughts (Relevancy to CAOR):

Great informaton for CAOR broker members. Brokers need to have a good P&P manual. Review that manual and ICA agreement yearly. Make changes as needed. Do not be afraid to release agents that are troublesome to work with and don't attend trainings. The broker and firm license are on the line for all licensees within a firm. Brokers need a solid contract review process to verify timelines in the transaction such as Due Dilligence, Binding Agreement Date, Appraisal Contingency and Finance Contingency.

Signature