



South Carolina Real Estate Commission

Why can't we just keep doing it the way we've always done it?



Because the law has changed.



Changes in Agency Laws

All forms of Agency that are legal today will remain in effect.

After January 1, the Broker in Charge may opt to include Designated Agency in her/his policy manual



Changes in Agency Laws

Whichever types of agency a brokerage chooses to practice, the BIC must first authorize them in the office policy manual.



State law mandates the following minimum items must be included in your written office policy:

- **Cooperation Policy**
- **Scope of Client Level Services**
- **Scope of Customer Level Services**
- **Agency Disclosure Procedures**
- **Compliance with State Licensing Law**
- **Compliance with Fair Housing Laws**



South Carolina Real Estate Commission

A Broker in Charge has two primary responsibilities:



- 1. To manage licensed associates and staff members**
- 2. To manage the firm's real estate trust account**



South Carolina Real Estate Commission **Agency Relationships**

**When prospects first
meet you they are
CUSTOMERS**



**Seller
Customer**

**Buyer
Customer**

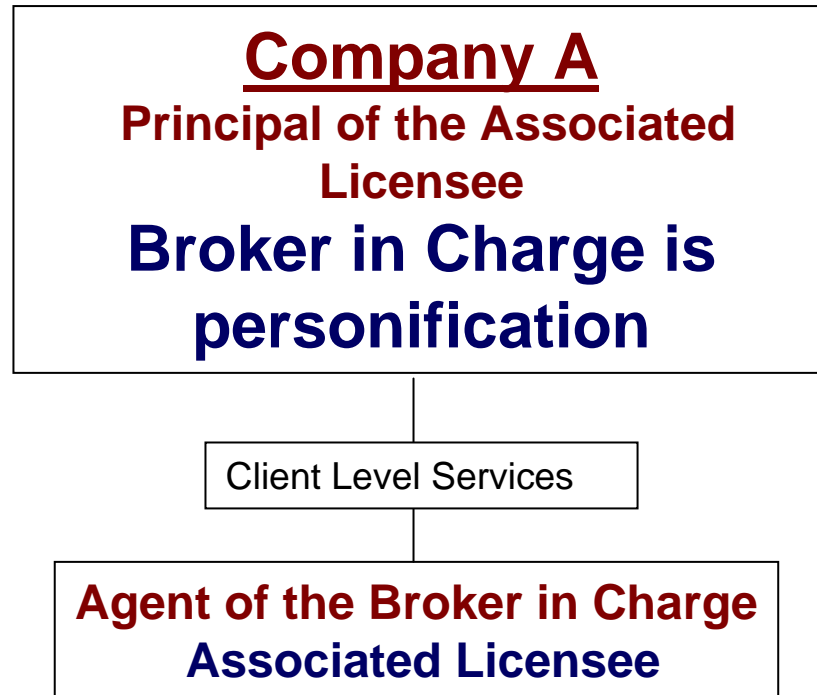


Duties we owe a Customer

Customer Level Services

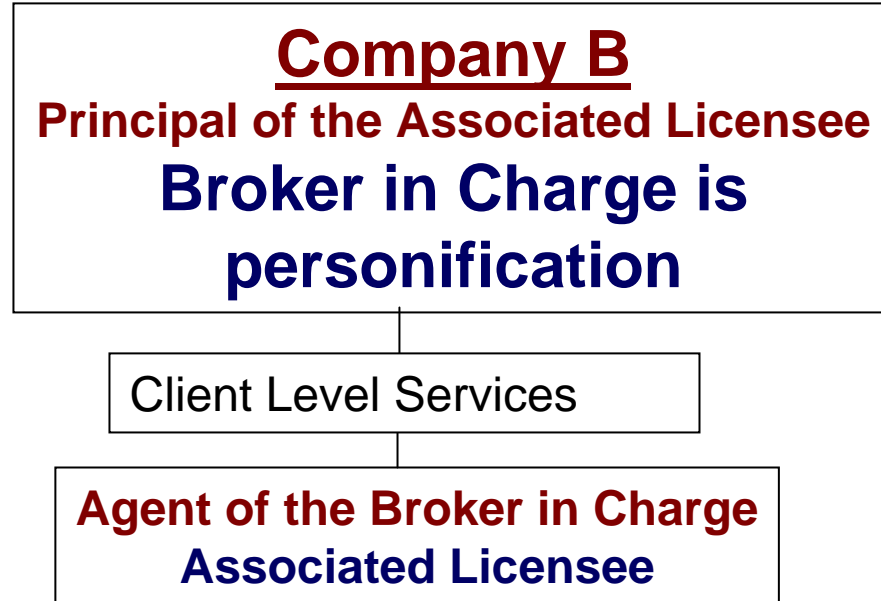
- Provide a meaningful explanation of agency
- Provide the scope of services offered
- Be fair and honest, and provide accurate information in all dealings
- Timely account for all money or property
- Disclosure of material facts
- Timely present all offers

Broker has a Principal/Agent Relationship



**Employing Broker & Associated Licensee
(Without Clients)**

Broker has a Principal Agent Relationship



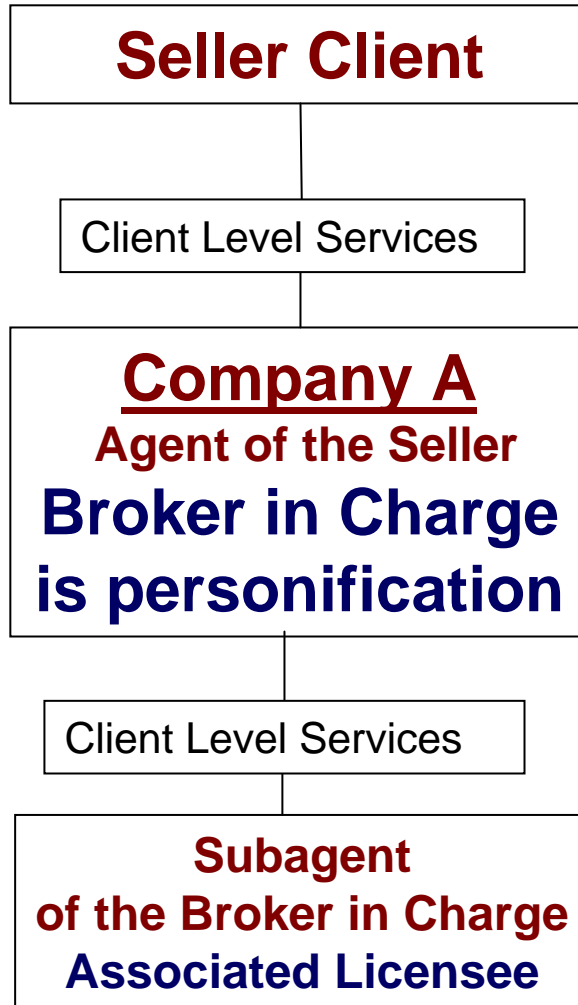
**Employing Broker & Associated Licensee
(Without Clients)**

Duties we owe a Client

Client Level Services

- **Obedience**
- **Loyalty**
- **Disclosure**
- **Confidentiality**
- **Accountability**
- **Reasonable Care and Diligence**

Single Agency – Seller Client



Single Agency – Buyer Client

Buyer Client

Client Level Services

Company B
Agent of the Buyer
Broker in Charge
is personification

Client Level Services

Subagent
of the Broker in Charge
Associated Licensee



Single Agency – Co Op Sale



Seller Client

Client Level Services

Company A
Agent of the Seller
Broker in Charge

Client Level Services

Subagent
Associated Licensee



Buyer Client

Client Level Services

Company B
Agent of the Buyer
Broker in Charge

Client Level Services

Subagent
Associated Licensee



Single Buyer Agency – FSBO Customer



**FSBO Seller
Customer**

Customer Level
Services



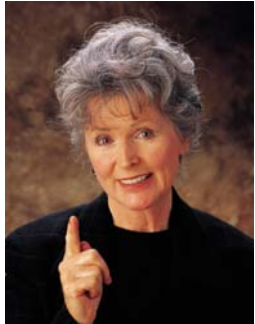
Buyer Client

Client Level Services



Company B
Agent of the Buyer
Broker in Charge

Client Level Services



Subagent
Associated Licensee

Single Seller Agency – Buyer Customer



Seller Client

Client Level Services



Buyer Customer

Customer Level Services



Company A
Agent of the Seller
Broker in Charge

Client Level Services

Subagent
Associated Licensee



Client Level Services

Subagent
Associated Licensee

Sub Agency Offered Between Companies - Co Op Sale



Seller Client

Client Level Services



Company A
Sellers Agent
Broker in Charge

Client Level Services

Subagent
Associated Licensee



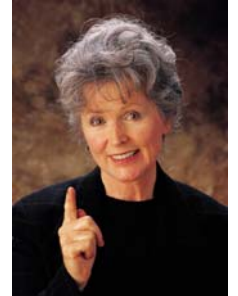
Company B
Subagent of Broker A
Broker in Charge

Client Level Services

Subagent
Associated Licensee

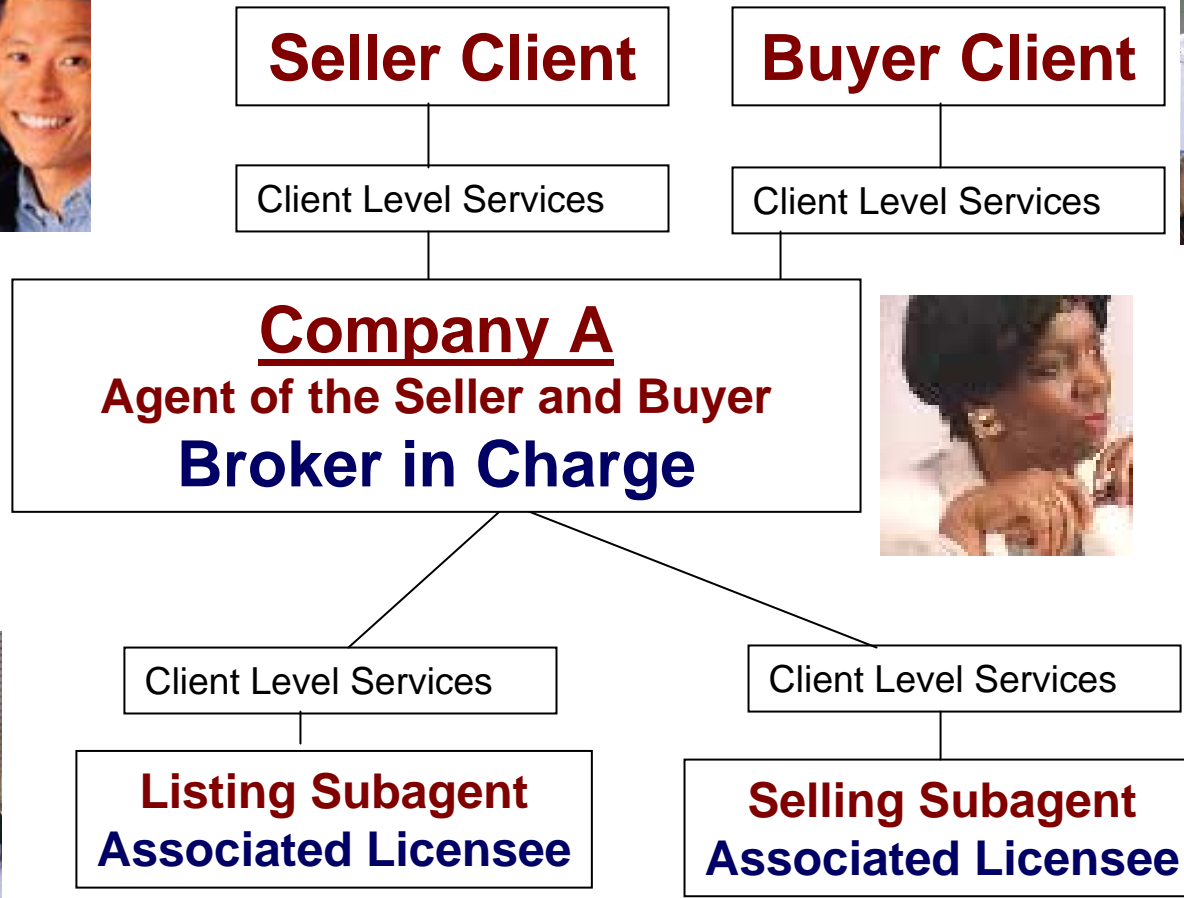
Customer Level
Services

Buyer
Customer



Disclosed Dual Agency – In House Transaction

Seller Client - Buyer Client – **Two Agents**



Disclosed Dual Agency – In House Transaction

Seller Client - Buyer Client – **One Agent**



Seller Client

Buyer Client

Client Level Services

Client Level Services



Company A
Agent of the Seller & Buyer
Broker in Charge



Client Level Services

Selling & Listing Subagent
Associated Licensee



Sale Between Branch Offices of the Same Company



Seller Client

Client Level Services

Company A East
Agent of the Seller
Broker in Charge

Client Level Services

Subagent
Associated Licensee



Buyer Client

Client Level Services

Company A West
Agent of the Buyer
Broker in Charge

Client Level Services

Subagent
Associated Licensee



BIC's of each office must be different individuals and have the associated licensees under his or her name.

Designated Agency

Client Level Services



Seller Client



**Designated Agent
Associated Licensee**

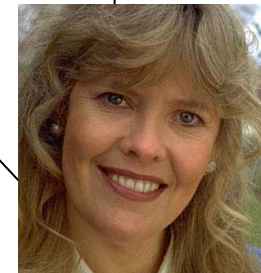
Designated to represent
the **Seller**



Buyer Client



**NOTE: The BIC
and all other
Agents in the
Company are Dual
Agents**



**Designated Agent
Associated Licensee**

Designated to represent
the **Buyer**

Designated agents ARE NOT Dual Agents and Must be two people

Dual Agency – Seller Client Buyer Client – **Competing BIC**



Seller Client

Buyer Client

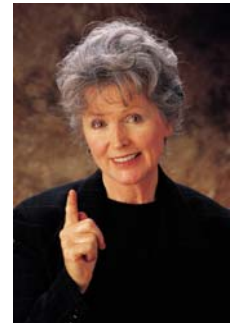
Client Level Services



Company A
**Dual Agent of Buyer
and Seller**
Broker in Charge

Client Level Services

Subagent
Associated Licensee



**A BIC may not appoint him or herself as
a Designated Agent**