

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

**CHAPTER 104  
REAL ESTATE REGULATIONS**

**SOURCE:** Added as Chapter 3 (§§ 57000-57226), Gov't Code Title LXI by P.L. 11-065:1 (June 30, 1971), renumbered §§ 58000-58226) (effective 90 days after enactment pursuant to P.L. 11-065:2).

**2026 NOTE:** This Chapter ("Real Estate Regulations") was included in Title LXI of the Government Code as added by P.L. 11-065:1 (June 30, 1971), and has been codified in the statutory code since its enactment.

Article 1	Scope of Regulations
Article 2	Licenses
Article 3	Disciplinary Action
Article 4	Fees

**ARTICLE 1  
SCOPE OF REGULATIONS**

- § 104101. Engaging in Business or Acting Without License: Complaint and Assistance at Trial: Prosecution of Violations by Attorney General.
- § 104102. Real Estate Broker Defined.
- § 104103. Real Estate Salesman Defined.
- § 104104. Real Estate Salesman Further Defined.
- § 104105. Persons and Services to Which Provisions Do Not Apply.
- § 104106. One Act as Constituting a Person Real Estate Broker or Salesman.
- § 104107. One Act as Constituting a Person Real Estate Broker or Salesman: Promissory Notes Secured by Lien on Real Property.
- § 104108. Lease or Leasing Includes Any Lease.
- § 104109. Allegation and Proof of Licensed Status in Action for Compensation.
- § 104110. Employment or Compensation of Unlicensed Broker or Salesman: Payment of Compensation by Salesman to Licensee Other Than Through Broker: Penalty for Violation of Section.
- § 104111. Payment of Delivery of Compensation to Person Not Known or Presenting Evidence as Licensed Broker.
- § 104112. Acting as Broker or Salesman or Advertising as Broker Without Being Licensed: Punishment.
- § 104113. Publication of False Statement or Representation Concerning Land or Subdivision: Violation of Provisions or Order; Punishment; Trial for Suspension or Revocation of License; Prosecutions by Attorney General.
- § 104114. Requirements of Statements Published by Real Estate Broker or Salesmen Offering to Assist Persons in Transactions Involving Lands owned by the Guam or Federal Government.
- § 104115. Information to Seller and Purchaser: Contents: Closing Statement by Escrow Holder.
- § 104115.1. Information on Radon Upon the Sale of Residential Real Property.
- § 104116. Delivery of Copy of Agreement Authorizing Performance of Licensed Act.
- § 104116.1. Real Estate Brokerage Agreement. [Renumbered as § 104122.]
- § 104117. Rental or Rental Information: Contract or Receipt: Repayment of Fee.
- § 104118. Report on Assistance by Brokers or Salesmen in Filing Application for Lands Owned by the Guam or Federal Government.
- § 104119. Power of Commissioner to Prescribe Information to be Contained in Assistance Agreements.

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

- § 104120. Trust Accounts.
- § 104121. Trust Accounts: Penalty.
- § 104122. Real Estate Brokerage Agreement.

**§ 104101. Engaging in Business or Acting Without License: Complaint and Assistance at Trial: Prosecution of Violations by Attorney General.**

(a) It is unlawful for any person to engage in the business, act in the capacity of, advertise or assume to act as a real estate broker or a real estate salesman within Guam without first obtaining a real estate license from the Department.

(b) The Commissioner may prefer a complaint for a violation of this Section before the Superior Court, and the Commissioner and deputies or assistants may assist in presenting the facts at the trial.

(c) It is the duty of the Attorney General to prosecute all violations of this Section.

**SOURCE:** GC § 58130.

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104102. Real Estate Broker Defined.**

(a) “Broker” means an individual, other than a salesman, who, for another and for compensation:

- (1) Sells, exchanges, purchases, rents or leases real estate;
- (2) Offers to sell, exchange, purchase rent or lease real estate;
- (3) Negotiates, offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;
- (4) Lists, offers, attempts or agrees to list real estate for sale, lease or exchange;
- (5) Auctions, offers, attempts or agrees to auction real estate;
- (6) Buys, sells, offers to buy or sell or otherwise deals in options on real estate;
- (7) Collects, offers, attempts or agrees to collect rent for the use of real estate;
- (8) Advertises or holds himself out as being engaged in the business of buying, selling, exchanging, renting or leasing real estate;
- (9) Assists or directs in the procuring of prospects calculated to result in the sale, exchange, leasing or rental of real estate;
- (10) Assists or directs in the negotiation of any transaction calculated or intended to result in the sale, exchange, leasing or rental of real estate;
- (11) Engages in the business of charging an advance fee in connection with any contract whereby he undertakes to promote the sale of real estate either through its listing in a publication issued for such purpose or for referral of information concerning such real estate to brokers or both;
- (12) Assists or directs in the procurement of, or arrangement for, mortgage financing on real property while not acting in the capacity of a licensed mortgagee or his agent, or of a mortgagee or his agent who is authorized to make real property loans under state or Federal authority and supervision;
- (13) Performing any of the foregoing acts as an employee of, or on behalf of, the owner of real estate, or interest therein, or improvements affixed thereon, for compensation.

**21 GCA REAL PROPERTY**  
**CH. 104 REAL ESTATE REGULATIONS**

(b) After the effective date of this Act [P.L. 13-162], it shall be unlawful for any person, directly or indirectly, to engage in or conduct, or to advertise or hold himself out as engaging in or conducting the business or acting in the capacity of a real estate broker, associate broker or real estate salesman within Guam without first obtaining a license as such broker, associate broker or salesman, as provided in this Act, unless he is exempted from obtaining a license under Subsection (d) of this Section.

(c) Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any valuable consideration, offers, attempts or agrees to perform, or performs any single act described in Subsection (a) of this Chapter, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker or salesman within the meaning of this Division. The commission of a single such act by a person required to be licensed under this Division and not so licensed shall constitute a violation of this Division.

(d) Except as to the requirements with respect to the subdivision of land, the provisions of this Division shall not apply to:

(1) Any person, partnership or corporation who as owner or lessor shall perform any of the acts described in Subsection (a) of this Act with reference to property owned or leased by them, or to the regular employees thereof, with respect to the property so owned or leased, where such acts are performed in the regular course of or as an incident to the management, sale or other disposition of such property and the investment therein; provided, that such regular employees shall not perform any of the acts described in Subsection (a) of this Act in connection with a vocation of selling or leasing any real estate or the improvements thereon; provided, that this provision shall not apply to any person, partnership or corporation in the business of purchasing unimproved land for development and subdivision purposes;

(2) An attorney in fact under a duly executed and recorded power of attorney to convey real estate from the owner or lessor or the services rendered by any attorney- at-law in the performance of his duty as such attorney at law;

(3) Any person acting as receiver, trustee in bankruptcy, administrator, executor or guardian, or while acting under a court order or under the authority of a will or of a trust instrument;

(4) Any person acting as the resident manager for the owner or an employee acting as the resident manager for a broker managing an apartment building, duplex, apartment complex or court, when such resident manager resides on the premises and is engaged in the leasing of property in connection with his employment;

(5) Any officer or employee of a Federal agency in the conduct of his official duties;

(6) Any officer or employee of the government of Guam or any political subdivision thereof performing his official duties;

(7) Any multiple listing service wholly owned by a non-profit organization or association or real estate brokers;

(8) Any non-profit referral system or organization of real estate brokers for the purpose of referrals of prospects for the sale or listing of real estate.

**SOURCE:** GC § 58131; repealed and reenacted by P.L. 13-162:6 (July 12, 1976).

**2026 NOTE:** Reference to “Territory” replaced with “Guam” pursuant to 1 GCA § 420. Past publications included the following in the Source annotation:

The Compiler has changed Act to either Section or Division as is appropriate in the context. Because P.L. 13-162 was amending the entire Division of Real Estate Regulation, it is clear that Act refers to more than just this

**21 GCA REAL PROPERTY**  
**CH. 104 REAL ESTATE REGULATIONS**

Chapter. Likewise, where Act follows reference to a subsection, which occurs only in the context of a Section, the term, Section is used. Clearly, the original drafters were mixing references to P.L. 16-162 and references to a model act from which the Public Law was modeled.

**§ 104103. Real Estate Salesman Defined.**

A “real estate salesman” within the meaning of this Division is a natural person who, for a compensation or in expectation of a compensation , is employed by a licensed real estate broker to sell, or offer for sale, or to list, or to buy, or to offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to solicit the prospective purchasers of real estate, or to solicit borrowers or lenders for or negotiate a loan on real estate, or to lease, or to negotiate the sale, purchase or exchange of leases, or offer to lease, rent or place for rent, any real estate, or improvements thereon, or to assist or offer to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the Guam or Federal Government.

**SOURCE:** GC § 58132.

**2026 NOTE:** Reference to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

**§ 104104. Real Estate Salesman Further Defined.**

A “real estate salesman” within the meaning of this Division includes a natural person who for compensation is employed by a licensed real estate broker to sell a promissory note secured by a lien on real property, unless such note is sold to an underwriter or is one of a series of notes.

**SOURCE:** GC § 58133.

**§ 104105. Persons and Services to Which Provisions Do Not Apply.**

Anyone who directly performs any of the acts within the scope of this Division with reference to his own property or, in the case of a corporation which, through its regular officers receiving no special compensation therefor, performs any of the acts with reference to the corporation’s own property. The exemption granted hereunder shall not however, extend to any person, natural or legal, who is engaged in the buying, selling, leasing or development of real property of its own. Such a person shall be subject to all applicable provisions of this Division.

**SOURCE:** GC § 58134; repealed by P.L. 13-162:1 (July 12, 1976). Similar provisions of former section contained in § 104102. However, this § 104105 section was enacted as an amendment to GC § 58134 by P.L. 13-191:3 (Oct. 2, 1976) after the repeal of the original Section.

**§ 104106. One Act as Constituting a Person Real Estate Broker of Salesman.**

One act of buying or selling real estate of or for another for a compensation or in expectation of a compensation, or offering for another to buy or sell or exchange real estate, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of real estate, or soliciting borrowers or lenders for or negotiating a loan on or leasing or renting or placing for rent real estate, or collecting rent therefrom, or, as other than an officer or employee of the Guam or Federal Government, assisting or offering to assist another or others, for compensation or in expectation of compensation, in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the Guam or Federal Government, constitutes the person performing such act a real estate broker or real estate salesman within the meaning of this Division.

**SOURCE:** GC § 58135.

**2026 NOTE:** Reference to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

**§ 104107. One Act as Constituting a Person Real Estate Broker or Salesman: Promissory Notes Secured by Lien on Real Property.**

One act, for a compensation, of selling or offering to sell, buying or offering to buy, or negotiating the purchase or sale or exchange of a promissory note secured by a lien on real property, when such note is not sold to an underwriter or is not one of a series of notes, constitutes the person making such offer, sale, purchase or exchange a real estate broker or real estate salesman within the meaning of this Division.

SOURCE: GC § 58136.

**§ 104108. Lease or Leasing Includes Any Lease.**

When a lease or leasing is referred to in this Article, it includes any lease, whether such lease is the sole transaction involved, or the principal or an incidental part of the transaction involved.

SOURCE: GC § 58137.

**§ 104109. Allegation and Proof of Licensed Status in Action for Compensation.**

No person engaged in the business or acting in the capacity of a real estate broker or a real estate salesman within Guam shall bring or maintain any action in the courts of Guam for the collection of compensation for the performance of any of the acts mentioned in this Article without alleging and proving that he was a duly licensed real estate broker or real estate salesman at the time the alleged cause of action arose.

SOURCE: GC § 58138.

**CROSS-REFERENCES:** See 11 GCA § 70103 for further restriction on bringing action if one does not have a Business License.

**§ 104110. Employment or Compensation of Unlicensed Broker or Salesman: Payment of Compensation by Salesman to Licensee Other Than Through Broker: Penalty for Violation of Section.**

(a) It is unlawful for any licensed real estate broker to employ or compensate, directly or indirectly, any person for performing any of the acts within the scope of this Chapter who is not a licensed real estate broker, or a real estate salesman licensed under the broker employing or compensating him; provided, however, that a licensed real estate broker may pay a commission to a broker or another territory or state.

(b) No real estate salesman shall be employed by or accept compensation from any person other than the broker under whom he is at the time licensed.

(c) It is unlawful for any licensed real estate salesman to pay any compensation for performing any of the acts within the scope of this Chapter to any real estate licensee except through the broker under whom he is at the time licensed.

(d) For a violation of any of the provisions of this section, the Commissioner may temporarily suspend or permanently revoke the license of the real estate licensee, in accordance with the provisions of this Division relating to hearings.

SOURCE: GC § 58139.

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104111. Payment of Delivery of Compensation to Person Not Known or Presenting Evidence as Licensed Broker.**

(a) It is a violation, punishable by a fine of not exceeding \$50 for each offense, for any person whether obligor, escrow holder or otherwise, to pay or deliver to anyone a compensation for performing any of the

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

acts within the scope of this Chapter, who is not known to be or who does not present evidence to such payer that he is a regularly licensed real estate broker at the time such compensation is earned.

(b) For violation of any of the provisions of this section, the Commissioner may temporarily suspend or permanently revoke the license of the real estate licensee in accordance with the provisions of this Division relating to Hearings.

**SOURCE:** GC 58140; amended by P.L. 13-187:261 (Sept. 2, 1976).

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104112. Acting as Broker or Salesman or Advertising as Broker Without Being Licensed: Punishment.**

Any person acting as a real estate broker or real estate salesman without a license or who advertises using words indicating that he is a real estate broker without being so licensed shall, upon conviction thereof, if a natural person, be guilty of a petty misdemeanor; or if a corporation, be guilty of a violation and subject to a fine not to exceed Five Thousand Dollars (\$5,000).

**SOURCE:** GC § 58141; amended by P.L. 13-187:262 (Sept. 2, 1976).

**§ 104113. Publication of False Statement or Representation Concerning Land or Subdivision: Violation of Provisions or Order; Punishment; Trial for Suspension or Revocation of License; Prosecutions by Attorney General.**

Every officer, agent or employee of any company, and every other person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circularization of any false statement or representation concerning any land or subdivision thereof, offered for sale or lease, or, if the land is owned by the Guam or Federal government, which such person offers to assist another or others to file an application for the purchase or lease of, or to locate or enter upon, and every person who, with knowledge that any advertisement, pamphlet, prospectus or letter concerning any said land or subdivision, contains any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or causes the same to be issued, circulated, published or distributed, or who, in any other respect, willfully violates or fails to comply with any of the provisions of this Section, or who in any other respect willfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand or requirement of the Commissioner under this Section, is guilty of a felony, and shall be punished by a fine not exceeding Twenty-Five Thousand Dollars (\$25,000), or by imprisonment, and, if a real estate licensee, he shall be given a hearing by a Commissioner for a suspension or revocation of his license, as provided in the provisions of this Title relating to hearings. The Attorney General shall prosecute all violations of the provisions of this Section.

**SOURCE:** GC § 58142; amended by P.L. 13-187:263 (Sept. 2, 1976) and P.L. 13-191:2 (Oct. 2, 1976).

**2026 NOTE:** Reference to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

**§ 104114. Requirements of Statements Published by Real Estate Brokers or Salesmen Offering to Assist Persons in Transactions Involving Lands owned by the Guam or Federal Government.**

Each advertisement or other statement which is published by a real estate broker or salesman offering to assist persons to file applications for the purchase or lease of, or to locate or to enter upon, lands owned by the Guam or Federal Government shall, when published, indicate the name of the broker for whom it is published and state that he is licensed as a real estate broker by Guam.

**SOURCE:** GC § 58143.

**2026 NOTE:** Reference to “Territory” omitted and/or replaced with “Guam” pursuant to 1 GCA § 420.

**§ 104115. Information to Seller and Purchaser: Contents: Closing Statement by Escrow Holder.**

Within one month after the closing of a transaction in which title to real property is conveyed from a seller to a purchaser through a licensed real estate broker, such broker shall inform or cause the information to be given to the seller and purchaser in writing of the selling price thereof and in the event an exchange or real property is involved, such information shall include a description of said property and amount of added money consideration, if any. If the transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this section on the part of the broker.

SOURCE: GC § 58114.

**§ 104115.1. Information on Radon Upon the Sale of Residential Real Property.**

(a) Every purchaser of any interest in residential real property on which a residential dwelling exists shall be notified by the selling broker, in writing, that said property may present the potential for exposure to radon.

(b) The Guam Environmental Protection Agency (Agency) shall develop the content of written information that the selling broker shall provide to the buyer, in accordance with Subsection (a) of this Section, of any interest in residential real property on which a residential dwelling exists. The information shall describe potential hazards of exposure to radon, methods and resources for radon testing and remediation, and any other relevant information the Agency deems appropriate.

(c) The seller of any interest in residential real property on which a residential dwelling exists is required to provide the buyer with any information on radon from tests or inspections conducted on such property or dwelling in the seller's possession, and notify the buyer of any known radon hazards.

(d) Nothing in this Section is intended to or shall be construed to imply an obligation on the seller to conduct any radon testing or mitigation activities.

SOURCE: Added by P.L. 35-042:2 (Oct. 16, 2019).

**2019 NOTE:** This provision is effective three (3) months after enactment pursuant to P.L. 35-042:3 (Oct. 16, 2019).

**§ 104116. Delivery of Copy of Agreement Authorizing Performance of Licensed Act.**

When a licensee prepares or has prepared an agreement authorizing or employing such licensee to perform any of the acts for which he is required to hold a license, or when such licensee secures the signature of any person to any contract pertaining to such services or transactions, he shall deliver a copy of the agreement to the person signing it at the time the signature is obtained.

SOURCE: GC § 58145.

**§ 104116.1 Real Estate Brokerage Agreement.**

[Renumbered as § 104122]

SOURCE: Added by P.L. 38-067:2 (Oct. 17, 2025), renumbered by the Compiler pursuant to 1 GCA § 1606.

**§ 104117. Rental or Rental Information: Contract or Receipt: Repayment of Fee.**

Every real estate licensee who attempts to negotiate a rental or who furnishes rental information to a prospective tenant for a fee paid by said prospective tenant shall give every such prospective tenant a contract or receipt, and in such contract or receipt shall undertake to repay any amount over and above the sum of Ten Dollars (\$10) service charge to the prospective tenant if the prospective tenant does not obtain a rental. A demand from the prospective tenant for the return of the fee, or any part of it, shall be made within ten (10) days following the final day on which the real estate licensee has contracted to perform

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

services to the prospective tenant. In the event that rental information is not current or accurate in regard to the type of rental desired, the full fee shall be repaid to the tenant. Such contract or receipt shall also conform to the regulations adopted by the Commissioner in order to effect disclosure of material information regarding the service to be provided to the prospective tenant.

**SOURCE:** GC § 58146.

**§ 104118. Report on Assistance by Brokers or Salesmen in Filing Application for Lands Owned by the Guam or Federal Government.**

Any real estate broker who assists another or others, or whose real estate salesmen assist another or others, for a compensation, in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the Guam or Federal Government shall report to the Commissioner the names and addresses of all persons he or his salesmen have assisted in filing applications for land owned by the Guam or Federal Government and the amount of compensation received from such persons. The report shall be filed quarterly within ten (10) days after the end of each calendar quarter.

**SOURCE:** GC § 58147.

**2026 NOTE:** Reference to “Territory” and/or “Territorial” replaced with “Guam” pursuant to 1 GCA § 420.

**§ 104119. Power of Commissioner to Prescribe Information to be Contained in Assistance Agreements.**

The Commissioner may prescribe by regulation the information which shall be contained in contracts or other agreements by a real estate broker, or a real estate salesman, to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the Guam or Federal Government, including, but not limited to, information with regard to the services agreed to be performed and information with regard to the hazards which may prevent the person to be assisted in filing an application with the Guam or Federal Government from ever receiving any Guam or Federal Land under the application.

**SOURCE:** GC § 58148.

**2026 NOTE:** Reference to “Territory” and/or “Territorial” replaced with “Guam” pursuant to 1 GCA § 420.

**§ 104120. Trust Accounts.**

(a) Each broker shall maintain a separate bank checking account in Guam which shall be designated a trust account in which all down payments, earnest money deposits, or other trust funds received by him, his associate brokers or his salesmen on behalf of his principal or any other person shall be deposited.

(b) Each broker shall notify the Commissioner of the name of the bank or banks in which the trust account is maintained and also the name of the account on forms provided therefore.

(c) Each broker shall authorize the Commissioner to examine such trust account by a duly authorized representative of the Commissioner. Such examination shall be made at such times as the Commissioner may direct.

(d) A broker may maintain more than one trust account if the Commission is advised of such account as required in Subsection (b) of this Section.

(e) In the event a branch office maintains a separate trust account, a separate bookkeeping system shall be maintained by the branch office.

(f) A broker shall not be entitled to any part of the earnest money or other money paid to him in connection with any real estate transaction as part or all of his/her commission or fee until the transaction has been consummated or terminated, unless agreed in writing by all parties to the transaction.

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

**SOURCE:** GC § 58149 added by P.L. 13-162:9 (July 12, 1976). Error in previous publication - omission of subsections (b) through (f) - corrected in 2000 Update.

**2026 NOTE:** Reference to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

**§ 104121. Trust Accounts: Penalty.**

Each broker, associate broker, or salesman that violates the provisions of § 104120 of this Chapter, or commingles funds that should be in trust funds with other funds, or fails to deposit into a trust account any down payment, earnest money deposit, or other funds that should be held within a trust account, shall pay a penalty of One Hundred Dollars (\$100.00) for each violation.

**SOURCE:** Added by P.L. 29-002:V:I:70 (May 18, 2007).

**§ 104122. Real Estate Brokerage Agreement.**

Prior to commencement of brokerage services, a written real estate brokerage agreement must be entered into between a real estate brokerage represented by a licensed real estate broker or licensed real estate salesman, and a real estate seller, lessor, buyer, or lessee.

The brokerage agreement shall be in writing and a copy shall be provided to the seller, lessor, buyer, or lessee within three (3) business days of the time of signing. The original and all electronic files shall be retained by the real estate brokerage.

(a) A brokerage agreement with the seller or lessor shall:

- (1) include a definite start date and expiration date, which is effective without notice to the seller or lessor;
- (2) state the amount of compensation to be paid to the brokerage, including authorization to receive the compensation from a person other than the seller or lessor;
- (3) state whether the brokerage is authorized to cooperate and share compensation with another brokerage and to specify the amount of the compensation described as a percentage of the purchase price, a specific dollar amount, or a combination of both;
- (4) explain the events or conditions that will entitle the brokerage to a commission or other compensation; and
- (5) contain a provision for the cancellation of the brokerage relationship by either the seller or lessor or brokerage or by mutual agreement.

(b) The brokerage agreement with a buyer or lessee shall:

- (1) include a definite start date and expiration date, which is effective without notice to the seller or lessor;
- (2) state the amount of compensation to be paid to the brokerage described as a percentage of the purchase price, a specific dollar amount, or a combination of both;
- (3) state whether the brokerage is authorized to receive some or all of the compensation to be paid from a person other than the buyer or lessee;
- (4) state the buyer’s or lessee’s rights and obligations regarding the compensation to be paid to the brokerage and if the brokerage is authorized to receive some or all of the compensation to be paid from a person other than the buyer or lessee;
- (5) explain the events that must occur or conditions that must be met in order for the brokerage to be entitled to a commission or other compensation; and

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

(6) contain a provision for the cancellation of the brokerage relationship by either the buyer or lessee or brokerage or by mutual agreement.

**SOURCE:** Added as § 104116.1 by P.L. 38-067:2 (Oct. 17, 2025), renumbered by the Compiler.

**ARTICLE 2  
LICENSES**

- § 104201. Application for Broker’s License: Fees and Recommendations.
- § 104202. Original Licenses Not to Be Granted to Non-citizens: Renewal and Reinstatement of Licenses of Non-citizens.
- § 104203. Condition Precedent to Issuance of Original Real Estate Broker’s License.
- § 104204. Application for Salesman’s License.
- § 104205. Requirement of Other Proof Before Authorizing License; Hearing.
- § 104206. Written Examination.
- § 104207. Original Real Estate Licenses Valid for One Year: Renewal: Partnership.
- § 104208. Continuing Education Requirement for Broker’s Renewal.
- § 104209. Continuing Education Requirement for Salesperson Renewal.
- § 104210. Exemption from Continuing Education Requirement.
- § 104211. Substitution of Continuing Education Requirement.
- § 104212. Limited Real Estate Salesman’s License: Issuance: Requirements.
- § 104213. Limited Real Estate Salesman’s License: Rights and Limitations Under Limited License.
- § 104214. Waiver of Examination.
- § 104215. Right to Continue Operating Under Existing License.
- § 104216. Persons to Whom Issuance of Restricted License Is Authorized.
- § 104217. Persons to Whom Issuance of Restricted License Is Authorized: Methods of Restriction.
- § 104218. Persons to Whom Issuance of Restricted License Is Authorized: Rights Conferred: Revocation: Necessity for Hearing.
- § 104219. Persons to Whom Issuance of Restricted License Is Authorized: Requiring Filing of Bond.
- § 104220. License Authority Limited to Persons Licensed.
- § 104221. Corporation and Partnership Licenses: Additional Licenses for Other Officers and Members.
- § 104222. Corporation and Partnership Licenses: Officer or Member Licensed Only to Act for Corporation or Partnership.
- § 104223. Procedure for Issuance of License Under Fictitious Name.
- § 104224. Display and Possession of Licenses.
- § 104225. Return and Cancellation of Salesman’s License upon Withdrawal from Broker’s Employ: Reinstatement.
- § 104226. Reinstatement of License After Termination of Service In Public Office.
- § 104227. Inactivation of License: Inactive License Certificate: Reinstatement: Maintenance of Place of Business or Sign Not Required.
- § 104228. Maintenance of Place of Business.
- § 104229. Additional Licenses for Branch Offices.
- § 104230. Signs: Requirement for: Regulations.
- § 104231. Suspension or Revocation of License for Violation of Provisions.

**§ 104201. Application for Broker’s License: Fees and Recommendations.**

Application for license as a real estate broker shall be made in writing to the Commissioner. The application shall be accompanied by the original real estate broker’s license fee and by the recommendation

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

of two real estate owners on Guam, certifying that the applicant is honest, truthful and of good reputation, and recommending that a real estate broker's license be granted to him.

**SOURCE:** GC § 58150.

**§ 104202. Original Licenses Not to Be Granted to Non-citizens: Renewal and Reinstatement of Licenses of Non-citizens.**

The Commissioner shall not grant an original real estate broker's license to any person who is not a citizen of the United States. This section shall not affect the right of a non-citizen now holding a real estate broker's license to renewal or reinstatement of his license in accordance with the provisions of this Chapter.

**SOURCE:** GC § 58151.

**2026 NOTE:** Past publications of the GCA included a reference to "(6/30/72)" that was apparently inserted by the previous Compiler. This date is not found in P.L. 11-065 that enacted GC § 58151, or in the 1970 Government Code or 1974 Government Code Supplement. The source of this date cannot be verified after reviewing the statute's legislative history, and to avoid confusion, this date has been omitted.

**§ 104203. Condition Precedent to Issuance of Original Real Estate Broker's License.**

The Real Estate Commission shall not issue a real estate broker's license to any person who has not held an original real estate salesman's license for at least two (2) years prior to the date of his application for the broker's license, and during such time was not actively engaged in the business of real estate salesman on Guam and has not passed the appropriate examination and satisfied the other requirements of the Article.

**SOURCE:** GC § 58152. Repealed and reenacted by P.L. 25-021:2 (May 24, 1999). Amended by P.L. 30-129:3 (Apr. 2, 2010).

**§ 104204. Application for Salesman's License.**

Application for license as a real estate salesman shall be made in writing to the Commissioner. The applications shall be signed by the applicant, and shall be accompanied by the real estate salesman's license fee; and by the recommendation of the broker, who is to be the applicant's employer, certifying that the applicant is honest, truthful and of good reputation and evidence of satisfactory completion of the basic real estate fundamental course prescribed and approved by the Commissioner, of at least thirty (30) classroom hours, or its equivalent.

**SOURCE:** GC § 58153. Repealed and reenacted by P.L. 25-021:3 (May 24, 1999).

**§ 104205. Requirement of Other Proof Before Authorizing License; Hearing.**

The Commissioner may require such other proof as the Commissioner may deem advisable concerning the honesty, truthfulness and good reputation of any applicant for a real estate license, or of the officers of any corporation, or of the members of any co-partnership making such application, before authorizing the issuance of a real estate license. For this purpose the Commissioner may call a hearing in accordance with the provisions of this Division relating to hearings

**SOURCE:** GC § 58154. Repealed and reenacted by P.L. 25-021:4 (May 24, 1999).

**§ 104206. Written Examination.**

In addition to the proof of honesty, truthfulness and good reputation required of any applicant for a real estate license, the Commissioner shall ascertain by written examination that the applicant, and in case of a co-partnership or corporation applicant, for a real estate broker's license that each officer, agent or member thereof through whom it proposes to act as a real estate licensee, has:

**21 GCA REAL PROPERTY**  
**CH. 104 REAL ESTATE REGULATIONS**

(a) appropriate knowledge of the English language, including reading, writing, and spelling and of elementary arithmetic;

(b) a fair understanding of the rudimentary principles of real estate conveyancing, the general purposes and general legal effects of deeds, mortgages, land contracts of sale and leases, and of the elementary principles of land economics and appraisals;

(c) a general and fair understanding of the obligations between principal and agent, of the principles of real estate practice and the canons of business ethics pertaining thereto, as well as the provisions of the Title 21 of the Guam Code Annotated, relating to real estate; and

(d) have satisfactorily completed a real estate course prescribed and approved by the Commissioner of at least thirty (30) classroom hours, or its equivalent, of instructions in a real estate school certified by the Commissioner.

**SOURCE:** Repealed and reenacted by P.L. 25-021:5 (May 24, 1999).

**§ 104207. Original Real Estate Licenses Valid for One Year: Renewal: Partnership.**

All original real estate licenses issued by the Commissioner shall be for a period of two (2) years and the holder thereof shall not become eligible for a renewal real estate license until one has successfully completed the Continuing Education Requirement outlined in § 104209 of this Chapter.

**SOURCE:** GC § 58156. Repealed and reenacted by P.L. 25-021:6 (May 24, 1999).

**§ 104208. Continuing Education Requirement for Broker's Renewal.**

(a) Any time prior to renewal of an original broker's license, the broker must satisfactorily furnish the evidence of successful completion of an additional ninety (90) classroom hours of study selected among the following:

- (1) real estate practice;
- (2) real estate appraisal;
- (3) property management;
- (4) real estate finance;
- (5) legal aspect of real estate;
- (6) real estate office administration;
- (7) general accounting;
- (8) business law;
- (9) escrow;
- (10) real estate contracts; or
- (11) any real estate-oriented study area.

(b) Of the ninety (90) classroom hours, eighteen (18) classroom hours must be in the consumer protection area of study:

- (1) land use regulation;
- (2) consumer disclosure;
- (3) agency relationship;

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

- (4) fair practices;
- (5) environmental regulation and considerations;
- (6) taxation (real estate transaction); and
- (7) probate.

(c) Thereafter, all brokers' renewal shall be for a period of four (4) years, with a continuing education requirement of sixteen (16) hours every two (2) years. Should the broker acquire more than the sixteen (16) hours during the two (2) year period, the excess hours may be credited to future renewal requirements.

(d) Any of the ninety (90) classroom hours of study as outlined in this Section may be fulfilled by the completion of courses approved by the Guam Association of Realtors.

**SOURCE:** GC § 58157. Repealed and reenacted by P.L. 25-021:7 (May 24, 1999). Amended by P.L. 30-129:4 (Apr. 2, 2010).

**§ 104209. Continuing Education Requirement for Salesperson Renewal.**

Any time prior to renewal of an original license the salesperson must satisfactorily furnish evidence of successful completion of an additional forty-five (45) classroom hours of study in § 104208 (a)(1) or (2). Thereafter, all salesperson renewals should be for a period of four (4) years with a continuing education requirement of twelve (12) hours every two (2) years. Should a salesperson acquire more than the minimum of twelve (12) hours during the two (2) year period, the excess hours may be credited to future renewal requirements.

**SOURCE:** GC § 58158. Repealed and reenacted by P.L. 25-021:8 (May 24, 1999).

**§ 104210. Exemption from Continuing Education Requirement.**

[Repealed.]

**SOURCE:** GC § 58159. Repealed and reenacted by P.L. 25-021:9 (May 24, 1999). Repealed by P.L. 30-129:5 (Apr. 2, 2010).

**§ 104211. Substitution of Continuing Education Requirement.**

The Real Estate Commissioner may allow for substitution of the clock hour requirements, if the Commissioner makes a determination that the individual is otherwise and similarly qualified by reason of completion of equivalent educational coursework in any accredited institution of higher learning or any degree granting accredited institution.

**SOURCE:** GC § 58160. Repealed and reenacted by P.L. 25-021:10 (May 24, 1999).

**§ 104212. Limited Real Estate Salesman's License: Issuance: Requirements.**

Upon the making of a written application and the payment of the fee for a limited real estate salesman's license, the Commissioner may issue the license to the applicant before completing his investigation into the applicant's honesty, truthfulness and good reputation when the applicant has demonstrated by written examination that he has

(a) appropriate knowledge of the English language, including reading, writing and spelling, and of elementary arithmetic, and

(b) a fair understanding of the obligations between principal and agent and the provisions of this Division relating to real estate.

**SOURCE:** GC § 58161.

**2026 NOTE:** Subsection designations added and/or modified pursuant to authority granted by 1 GCA § 1606.

**§ 104213. Limited Real Estate Salesman’s License: Rights and Limitations Under Limited License.**

A limited real estate salesman’s license does not confer any property right in the privileges to be exercised thereunder, and the Commissioner may revoke or suspend such license without a hearing. Such license shall be issued for a period not to exceed one hundred twenty (120) days. Such license shall not be renewed; and it shall not be transferred without the consent of the Commissioner. The holder of a limited real estate salesman's license may not sign any contract or agreement on behalf of the broker with whom he is employed.

**SOURCE:** GC § 58162.

**2026 NOTE:** As enacted by P.L. 11-065 (June 30, 1971), the third sentence of this provision stated: “Such license shall not be renewed; and it shall be transferred without the consent of the Commissioner.” In past publications of the GCA, an undated annotation states that the prior Compiler had added the word “not” in this sentence to correct manifest error as authorized by 1 GCA § 1606, and “to conform with the obvious intent.” The Compiler explained: “In the context of limited real estate licenses, the restrictions contained within this section and the express lack of a property right in this license, it seem[s] certain that the Legislature intended to also restrict the transferability of these limited licenses to the Commissioner’s direction.”

**§ 104214. Waiver of Examination.**

(a) The Commissioner may, in his discretion, waive the examination of any applicant for a real estate broker's license who held an unrevoked or unsuspended renewal real estate broker’s license, within the one-year period immediately preceding the date of the application for such renewal license, as individual broker, an officer of a corporation or a member of a co-partnership.

(b) The Commissioner may, in his discretion, waive the examination of any applicant for a real estate salesman's license who held an unrevoked or unsuspended renewal real estate salesman's license, within the one-year period immediately preceding the date of the application for such renewal license.

**SOURCE:** GC § 58163.

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104215. Right to Continue Operating Under Existing License.**

An application on the form prescribed by the Commissioner for the renewal of a license, filed before midnight of the last day of the period for which a previous renewal license was issued, or midnight of the expiration date of an original license under which the holder has been notified that he is eligible for a renewal license, accompanied by the applicable renewal fee, entitles the applicant to continue operating under his existing license after its specified expiration date, if not previously suspended or revoked, and until such date as he is notified in writing that the application has been granted or denied.

**SOURCE:** GC § 58164.

**§ 104216. Persons to Whom Issuance of Restricted License Is Authorized.**

The Commissioner may issue a restricted license to a person who is applying for a license under this Chapter, who has met the examination and experience requirements, but who has been found by the Commissioner after a hearing not to have made a satisfactory showing that he meets all of the other requirements for the license applied for, where such failure would justify the denial of the license applied for.

**SOURCE:** GC § 58165.

**§ 104217. Persons to Whom Issuance of Restricted License Is Authorized: Methods of Restriction.**

A restricted license issued pursuant to § 104216 as the Commissioner in his discretion finds advisable in the public interest may be restricted:

- (a) By term.
- (b) To employment by a particular real estate broker, if a salesman.
- (c) By conditions to be observed in the exercise of the privileges granted.

SOURCE: GC § 58166.

**§ 104218. Persons to Whom Issuance of Restricted License Is Authorized: Rights Conferred: Revocation: Necessity For Hearing.**

(a) A restricted license issued pursuant to § 104216 does not confer any property right in the privileges to be exercised thereunder, and the holder of a restricted license does not have the right to renewal of such license.

(b) The Commissioner may without hearing issue an order suspending the licensee's right to further exercise any privileges granted under a restricted license pending final determination made after formal hearing.

SOURCE: GC § 58167.

2026 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104219. Persons to Whom Issuance of Restricted License Is Authorized: Requiring Filing of Bond.**

As one of the conditions to the issuance of a restricted license authorized by § 104216 the Commissioner may require the filing of surety bonds in such form and condition as he may require in respect to the restricted licensee for the protection of persons or classes of persons with whom said licensee may deal.

SOURCE: GC § 58168.

**§ 104220. License Authority Limited to Person Licensed.**

No real estate license gives authority to do any act specified in this Chapter to any person, other than the person to whom the license is issued.

SOURCE: GC § 58168.

**§ 104221. Corporation and Partnership Licenses: Additional Licenses for Other Officers and Members.**

When a real estate license is issued to a corporation, if it desires any of its officers other than the officer designated by it pursuant to § 104414, to act under its license as a real estate broker, it shall procure an additional license to so employ each of such additional officers. When a real estate license is granted to a co-partnership, if it desires any of its members other than the one or ones through whom it is already licensed to act as a real estate broker, it shall procure an additional license to so employ each of such additional members.

SOURCE: GC § 58170.

**§ 104222. Corporation and Partnership Licenses: Officer or Member Licensed Only to Act for Corporation or Partnership.**

Each officer of a corporation through whom it is licensed to act as a real estate broker, and each member of a co-partnership through whom it is licensed to act as a real estate broker, is, while so employed under such license, a licensed real estate broker, but licensed only to act as such for and on behalf of the corporation or the co-partnership, as officer or member, respectively.

SOURCE: GC § 58171.

**§ 104223. Procedure for Issuance of License Under Fictitious Name.**

Every person applying for a license under this Chapter who desires to have such license issued under a fictitious name shall file with his application a certified copy of the entry of the Director made pursuant to the provisions of 18 GCA Chapter 26 (Fictitious Names).

SOURCE: GC § 58172.

**§ 104224. Display and Possession of Licenses.**

(a) The real estate licenses of both broker and salesman shall be prominently displayed in the office of the real estate broker.

(b) The real estate salesman's license shall remain in the possession of the licensed real estate broker employer until canceled or until the salesman leaves the employ of the broker.

SOURCE: GC § 58173.

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104225. Return and Cancellation of Salesman's License upon Withdrawal from Broker's Employ: Reinstatement.**

Immediately upon the real estate salesman's withdrawal from the employ of the real estate broker, the real estate broker shall return the real estate salesman's license to the Commissioner for cancellation. A license canceled but not suspended or revoked may be reinstated at any time during the period for which the license was issued, upon receipt of application therefor and the fee for the reinstatement of his license.

SOURCE: GC § 58174.

**§ 104226. Reinstatement of License after Termination of Service in Public Office.**

When the holder of a real estate broker's or salesman's license relinquishes his/her license to assume an office in the Guam or Federal government, he/she may have it reinstated at any time within six (6) months of termination of his service in office upon payment of the appropriate renewal fee.

SOURCE: GC § 58175.

**2026 NOTE:** Reference to "territorial" replaced with "Guam" pursuant to 1 GCA § 420.

**§ 104227. Inactivation of License: Inactive License Certificate: Reinstatement: Maintenance of Place of Business or Sign Not Required.**

(a) A licensed real estate broker or salesman may request that his license be inactivated. The Commissioner shall thereupon issue to such person an inactive license certificate. This inactive license certificate may consist of the license itself with an endorsement stating that it is inactive and does not permit the holder to transact business under it.

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

(b) An inactive license which is not suspended or revoked may be reinstated at any time during the period for which the license was issued, and may be renewed each four (4) year period upon the making of application therefor and the payment of the appropriate fee.

(c) The holder of an inactive broker license need not maintain a place of business or a sign as required by §§ 104228 and 104230.

(d) The holder of an inactive license shall not be entitled to act in any capacity for which the license is required until the license has been reinstated.

**SOURCE:** GC § 58176.

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104228. Maintenance of Place of Business: Business to be Done from Location Stipulated in License: Notice of Change of Business Location.**

(a) Every licensed real estate broker shall have and maintain a definite place of business in Guam which shall serve as his office for the transaction of business. This office shall be the place where his license is displayed and where personal consultations with clients are held.

(b) Notice in writing shall be given the Commissioner of change of business location of a real estate broker, whereupon the Commissioner shall issue a new license for the unexpired period.

(c) No real estate license authorizes the licensee to do business except from the location stipulated in the real estate license.

**SOURCE:** GC § 58177.

**2026 NOTE:** Reference to “Territory” omitted pursuant to 1 GCA § 420. Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104229. Additional Licenses for Branch Offices.**

If the applicant for a real estate broker’s license maintains more than one place of business within Guam he shall apply for and procure an additional license for each branch office so maintained by him. Every such application shall state the name of the person and the location of the place or places of business for which such license is desired. The Commissioner may determine whether or not a real estate broker is doing a real estate brokerage business at or from any particular location which requires him to have a branch office license.

**SOURCE:** GC § 58178.

**2026 NOTE:** Reference to “territory” replaced with “Guam” pursuant to 1 GCA § 420.

**§ 104230. Signs: Requirement for: Regulations.**

Each real estate broker shall erect and maintain a sign in a conspicuous place on the premises to indicate that he is a licensed real estate broker and his name shall be clearly shown thereon. The size and place of the sign shall conform to regulations that may be adopted by the Commissioner.

**SOURCE:** GC § 58179.

**§ 104231. Suspension or Revocation of License for Violation of Provisions.**

For a violation of any of the provisions of §§ 104224, 104225, 104228, and 104230, the Commissioner may temporarily suspend or permanently revoke the license of the real estate licensee in accordance with the provisions of this Division relating to hearing.

**SOURCE:** GC § 58180.

ARTICLE 3  
DISCIPLINARY ACTION

- § 104301. Revocation or Suspension of Licenses.
- § 104302. Investigation of Actions of Licensees: Grounds for Suspension or Revocation of Licenses.
- § 104303. Additional Grounds for Suspension or Revocation of Licenses.
- § 104304. Additional Grounds for Suspension or Revocation of Licenses—~~Same~~: Judgment Upon Grounds of Fraud or Misrepresentation or Deceit.
- § 104305. Additional Grounds for Suspension or Revocation of Licenses: Commitment for or Adjudication of Insanity or Incompetency.
- § 104306. Statement of Facts as to Discharge of Salesman: Filing: Suspension or Revocation of Employer's License for Failure to Notify Commissioner.
- § 104307. Knowledge of Violation by Salesman or Employee.
- § 104308. Denial, Suspension or Revocation of License of Officer or Partner.
- § 104309. Conditions to License Reinstatement.
- § 104310. Inspection and Audit of Records, Books, and Accounts of Real Estate Brokers and Salesmen.

**§ 104301. Revocation or Suspension of Licenses.**

Upon grounds provided in this Article and the other Articles of this Chapter, the license of any real estate licensee may be revoked or suspended in accordance with the provisions of this Chapter relating to hearings.

SOURCE: GC § 58181.

**§ 104302. Investigation of Actions of Licensees: Grounds for Suspension or Revocation of Licenses.**

The Commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within Guam, and he may temporarily suspend or permanently revoke a real estate license at any time where the licensee, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this Chapter has been guilty of any of the following:

- (a) Making any substantial misrepresentation.
- (b) Making any false promises of a character likely to influence, persuade or induce.
- (c) A continued and flagrant course of misrepresentation or making of false promises through real estate agents or salesmen.
- (d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.
- (e) Commingling with his own money or properly the money or other property of others which is received and held by him.
- (f) Claiming, demanding, or receiving a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange real estate for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.
- (g) The claiming or taking by licensee of any secret or undisclosed amount of compensation, commission, or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or

**21 GCA REAL PROPERTY**  
**CH. 104 REAL ESTATE REGULATIONS**

employing such licensee to do any acts for which a license is required under this Chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee the option to purchase in an agreement authorizing or employing such licensee to sell, buy or exchange real estate for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

**SOURCE:** GC § 58182.

**§ 104303. Additional Grounds for Suspension or Revocation of Licenses.**

The Commissioner may suspend or revoke the license of any real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a real estate license for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a real estate license.

(b) Entered a plea of guilty of *nolo contendere* to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time of appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly, authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law or the rules and regulations of the Commissioner for the administration and enforcement of the Real Estate Law.

(e) Willfully used the term Realtor or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(f) Acted or conducted himself in a manner which would have warranted the denial of his application for a real estate license.

(g) Demonstrated negligence or incompetence in performing any act for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Failed to pay when due a monetary penalty or forfeiture assessed by the Commissioner.

(j) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(k) Any other conduct, whether of the same or of a different character than specified in this section, which constitutes fraud or dishonest dealing.

SOURCE: GC § 58183.

**§ 104304. Additional Grounds for Suspension or Revocation of Licenses: Judgment Upon Grounds of Fraud, Misrepresentation or Deceit.**

When a final judgment is obtained in a civil action against any real estate licensee upon grounds of fraud, misrepresentation, or deceit with reference to any transaction for which a license is required under this Division, the Commissioner may, after hearing in accordance with the provisions of this Division relating to hearings, suspend or revoke the license of such real estate licensee.

SOURCE: GC § 58184.

**§ 104305. Additional Grounds for Suspension or Revocation of Licenses: Commitment for or Adjudication of Insanity or Incompetency.**

The Commissioner may revoke or suspend the license of a real estate licensee committed or adjudged insane, mentally ill or incompetent under the laws of Guam or by any federal court of competent jurisdiction, at any time until a subsequent adjudication of competence or restoration to capacity.

SOURCE: GC § 58185.

**§ 104306. Statement of Facts as to Discharge of Salesman: Filing: Suspension or Revocation of Employer's License for Failure to Notify Commissioner.**

When any real estate salesman is discharged by his employer for a violation of any of the provisions of this Article prescribing a ground for disciplinary action, a certified written statement of the facts with reference thereto shall be filed forthwith with the Commissioner by the employer and if the employer fails to notify the Commissioner as required by this section, the Commissioner may temporarily suspend or permanently revoke the real estate license of the employer, in accordance with the provisions of this Division relating to hearings.

SOURCE: GC § 58186.

**§ 104307. Knowledge of Violation by Salesman or Employee.**

No violation of any of the provisions of this Division relating to real estate by any real estate salesman or employee of any licensed real estate broker shall cause the revocation or suspension of the license of the employer of the salesman or employee unless it appears on a hearing by the Commissioner that the employer has guilty knowledge of such violation.

SOURCE: GC § 58187.

**§ 104308. Denial, Suspension or Revocation of License of Officer or Partner.**

The Commissioner may deny, suspend, or revoke the real estate license of a corporation as to any officer or agent acting under its license, and the real estate license of a co-partnership as to any member acting under its license, without revoking the license of the corporation or of the co-partnership.

SOURCE: GC § 58188.

**§ 104309. Conditions to Reinstatement of License.**

As a condition to the reinstatement of a revoked or suspended license, the Commissioner may require the applicant to take and pass a qualifying examination.

SOURCE: GC § 58189.

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

**§ 104310. Inspection and Audit of Records, Books, and Accounts of Real Estate Brokers and Salesmen.**

All records, books and accounts of a real estate broker or salesman as defined in this Division whether or not actually so licensed shall, upon the appearance of sufficient cause, be subject to inspection and audit by the Commissioner or his designated representative.

SOURCE: GC § 58190.

**ARTICLE 4  
FEES**

- § 104401. License Fees: Payment: Expiration of Licenses.
- § 104402. Renewal License: Right to Renew When Expired: Issuance of Renewal License After Period of Limitations Where Delay Due to Mistake, Etc.
- § 104403. Definitions: Application.
- § 104404. Definitions: Original Real Estate Broker's License.
- § 104405. Definitions: Renewal Real Estate Broker's License.
- § 104406. Definitions: Original Real Estate Salesman's License.
- § 104407. Definitions: Renewal Real Estate Salesman's License.
- § 104408. Period of Effectiveness of Licenses.
- § 104409. Amount of Fees Fixed: Fee Not Refundable.
- § 104410. License Fee.
- § 104411. License Fee: When Payable: Failure of Examination: Additional Examination Fee.
- § 104412. License Fee: Restricted Broker's License Fee.
- § 104413. Renewal Broker's License Fee.
- § 104414. License Issued to Corporation: Effect: Fee for Other Officers.
- § 104415. Renewal License to Partnership: Rights Granted: Fee for Other Member.
- § 104416. Original Salesman's License Fee.
- § 104417. Original Salesman's License Fee: When Payable: Failure of Examination: Additional Fee.
- § 104418. Original Salesman's License Fee: Restricted License Fee.
- § 104419. Renewal Salesman's License Fee.
- § 104420. Limited Salesman's License Fee.
- § 104421. Branch Office Broker's License Fee.
- § 104422. Change of Name or Address Fee.
- § 104423. Salesman's License Transfer Fee.
- § 104424. Duplicate License Fee.
- § 104425. Reinstatement of License Fee: "Reinstatement of a License" Defined.
- § 104426. Fee for Examination Other than Original Qualifying Examination.
- § 104427. Authorization for Appropriations.

**§ 104401. License Fees: Payment: Expiration of Licenses.**

(a) All real estate license fees shall be payable in advance of issuing the licenses and at the time of filing the application.

(b) Unless otherwise provided, all licenses expire at midnight of the last day of the period for which issued.

SOURCE: GC § 58200.

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104402. Renewal License: Right to Renew When Expired: Issuance of Renewal License After Period of Limitations Where Delay Due to Mistake, Etc .**

(a) Notwithstanding any other provision of this Division, the holder of a renewal license who fails to renew it prior to the expiration of the period for which it was issued and who has otherwise qualified for such license, may renew it within two years from such expiration upon proper application and the payment of a late renewal fee in an amount equal to one and one-half times the regular renewal fee.

(b) Notwithstanding any other provision of this Division, if a person who is or has been licensed under the provisions of this Chapter complies with all of the requirements for a renewal license except that the application is not filed within the time prescribed, the Commissioner may issue an renewal license if he finds the delay was due to mistake, inadvertence, surprise or excusable neglect; provided, however, that any applicable late renewal fee shall be charged.

**SOURCE:** GC § 58201.

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104403. Definitions: Application.**

The definitions contained in this Article are solely for the purposes of this Article.

**SOURCE:** GC § 58202.

**§ 104404. Definitions: Original Real Estate Broker’s License.**

An “original real estate broker’s license” is a real estate license issued to a person who did not have a renewal real estate broker's license within the one- year period immediately preceding the date of the application for such license, or who had failed to become eligible for a renewal license under a previous original real estate broker’s license.

**SOURCE:** GC § 58203.

**§ 104405. Definitions: Renewal Real Estate Broker’s License.**

A “renewal real estate broker’s license” is a real estate license issued to a person who had a renewal real estate broker’s license, unrevoked or unsuspended, within the one-year period immediately preceding the date of the application for such renewal license, or who had become eligible for a renewal license, during the preceding three (3) months, under an original real estate broker’s license.

**§ 104406. Definitions: Original Real Estate Salesman’s License.**

An “original real estate salesman’s license” is a real estate license issued to a person who did not have a renewal real estate salesman’s license within the one-year period immediately preceding the date of the application for such license, or who had failed to become eligible for a renewal license under a previous original real estate salesman’s license.

**SOURCE:** GC § 58205.

**§ 104407. Definitions: Renewal Real Estate Salesman’s License.**

A “renewal real estate salesman’s license” is a real estate license issued to a person

(a) who had a renewal real estate salesman’s license or a renewal broker’s license unrevoked or unsuspended within the one-year period immediately preceding the date of the application for such renewal license, or

**21 GCA REAL PROPERTY  
CH. 104 REAL ESTATE REGULATIONS**

(b) who had become eligible for a renewal license during the preceding three (3) months under an original real estate salesman's license, or

(c) who had failed to qualify for a renewal real estate broker's license during the preceding three (3) months under an original real estate broker's license, but who has satisfied all the requirements for a renewal salesman's license pursuant to the provisions of § 104208.

**SOURCE:** GC § 58206.

**2026 NOTE:** Subsection designations added and/or modified pursuant to authority granted by 1 GCA § 1606.

**§ 104408. Period of Effectiveness of Licenses.**

All renewal real estate broker's licenses and renewal real estate salesman's licenses shall be issued for periods of four (4) years.

**SOURCE:** GC § 58207.

**§ 104409. Amount of Fees Fixed: Fee Not Refundable.**

The amount of the real estate fees prescribed for a license under this Chapter is that fixed by the following provisions of this Article. No part of any fee paid in accordance with the provisions of this Chapter is refundable. It is deemed earned by the department upon its receipt.

**SOURCE:** GC § 58208.

**§ 104410. License Fee.**

The original real estate broker's license fee is Two Hundred Dollars (\$200.00) for a two (2) year period.

**SOURCE:** GC § 58209. Amended by P.L. 29-002:V:I:71 (May 18, 2007).

**§ 104411. License Fee: When Payable: Failure of Examination: Additional Examination Fee.**

(a) The original real estate broker's license fee is payable at the time of the filing of an application for an original real estate broker's license.

(b) If the applicant fails to pass the required written examination, he may be permitted to take another examination upon filing a request to the Department and upon the payment of a fee which shall be determined by the Director and which shall consist of the actual examination cost including costs to administer the examination. If an applicant fails to qualify for an original real estate broker's license within three (3) years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken

**SOURCE:** GC § 58210. Amended by P.L. 29-002:V:I:72 (May 18, 2007).

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104412. License Fee: Restricted Broker's License Fee.**

The restricted broker's license fee is One Hundred Dollars (\$100.00) for a one (1) year period.

**SOURCE:** GC § 58211. Amended by P.L. 29-002:V:I:73 (May 18, 2007).

**§ 104413. Renewal Broker's License Fee.**

The renewal real estate broker's license fee is Four Hundred Dollars (\$400.00) for a four (4) year period.

**SOURCE:** GC § 58212. Amended by P.L. 29-002:V:I:74 (May 18, 2007).

**§ 104414. License Issued to Corporation: Effect: Fee for Other Officers.**

If the licensee is a corporation, the license issued to it entitles one officer thereof, on behalf of the corporation, to engage in the business of real estate broker without the payment of any further fee, such officer to be designated in the application of the corporation for a license. for each officer other than the officer so designated, through whom it engages in the business of real estate broker, the appropriate original or renewal fee is to be paid in addition to the fee paid by the corporation.

SOURCE: GC § 58213.

**§ 104415. Renewal License to Partnership: Rights Granted: Fee for Other Member.**

If the licensee is a copartnership, the license issued to it entitles one member only of the copartnership to engage on behalf of the copartnership in the business of real estate broker, which member shall be designated in the application of the copartnership for a license. for each other member of the copartnership who on behalf of the copartnership engages in the business of real estate broker the appropriate original or renewal fee is to be paid in addition to the fee paid by the copartnership.

SOURCE: GC § 58214.

**§ 104416. Original Salesman's License Fee.**

The original real estate salesman's license fee is One Hundred Dollars (\$100.00) for a two (2) year period.

SOURCE: GC § 58215. Amended by P.L. 29-002:V:I:75 (May 18, 2007).

**§ 104417. Original Salesman's License Fee: When Payable: Failure of Examination: Additional Fee.**

An original real estate salesman's license fee is payable on filing an application for an original real estate salesman's license. If the applicant fails to pass the required written examination, he may be permitted to take another examination upon filing a request to the Department and upon the payment of a fee which shall be determined by the Director and which shall consist of the actual examination cost, including costs to administer the examination. If an applicant fails to qualify for an original real estate salesman's license within three (3) years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken.

SOURCE: GC § 58216. Amended by P.L. 29-002:V:I:76 (May 18, 2007).

**§ 104418. Original Salesman's License Fee: Restricted License Fee.**

The restricted salesman's license fee is Fifty Dollars (\$50.00) for a one (1) year period.

SOURCE: GC § 58217. Amended by P.L. 29-002:V:I:77 (May 18, 2007).

**§ 104419. Renewal Salesman's License Fee.**

The renewal real estate salesman's license fee is Two Hundred Dollars (\$200.00) for a four (4) year period.

SOURCE: GC § 58218. Amended by P.L. 29-002:V:I:78 (May 18, 2007).

**§ 104420. Limited Salesman's License Fee.**

The limited real estate salesman's license fee is Fifty Dollars (\$50.00) for a one hundred twenty (120) day period.

SOURCE: GC § 58219. Amended by P.L. 29-002:V:I:79 (May 18, 2007).

**§ 104421. Branch Office Broker’s License Fee.**

For a branch office broker’s license the fee is Fifty Dollars (\$50.00).

**SOURCE:** GC § 58220. Amended by P.L. 29-002:V:I:80 (May 18, 2007).

**§ 104422. Change of Name or Address Fee.**

For change of name or of address of license on the records of the Department, the fee is Twenty-five Dollars (\$25.00).

**SOURCE:** GC § 58221. Amended by P.L. 29-002:V:I:81 (May 18, 2007).

**§ 104423. Salesman’s License Transfer Fee.**

For transfer of a salesman’s license on change of employer, the fee is Twenty-five Dollars (\$25.00).

**SOURCE:** GC § 58222. Amended by P.L. 29-002:V:I:82 (May 18, 2007).

**§ 104424. Duplicate License Fee.**

For a duplicate license the fee is Twenty-five Dollars (\$25.00).

**SOURCE:** GC § 58223. Amended by P.L. 29-002:V:I:83 (May 18, 2007).

**§ 104425. Reinstatement of License Fee: “Reinstatement of a License” Defined.**

(a) For reinstatement of a license within a licensing period or at the time of renewal the fee is Twenty-five Dollars (\$25.00).

(b) As used in this Section, “reinstatement of a license” means the re-issuance of a canceled or inactivated real estate broker’s license or the re-issuance of a real estate salesman’s license, which was canceled or inactivated during the period for which it was issued upon the salesman’s withdrawal from the employ of a real estate broker.

**SOURCE:** GC § 58224. Amended by P.L. 29-002:V:I:84 (May 18, 2007).

**2026 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**§ 104426. Fee for Examination Other than Original Qualifying Examination.**

[Repealed.]

**SOURCE:** GC § 582245. Repealed by P.L. 29-002:V:I:85 (May 18, 2007).

**§ 104427. Authorization for Appropriations.**

There are hereby authorized to be appropriated such sums as are necessary for the implementation of the provisions of this Act.

**SOURCE:** GC § 58226.

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