

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

039 REAL ESTATE COMMISSION

Chapter 410: MINIMUM STANDARDS OF PRACTICE- **SELECTED SECTIONS**

Summary: This chapter clarifies and establishes standards for practicing real estate brokerage.

1. Advertising

1. Definitions

- A. Advertise. “Advertise,” “advertising” and “advertisement” include all forms of representation, promotion and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity, including, at a minimum, advertising the sale or purchase of real estate or promotion of real estate brokerage services conducted by mail, telephone, the Internet (including but not limited to the world wide web, electronic mail and social media), ~~the World Wide Web, E-mail, electronic bulletin board or other similar electronic common carrier systems~~, business cards, signs, television, radio, magazines, newspapers, and telephonic greetings or answering machine messages.
- B. ~~Contact information. “Contact information” means information as to how the public can contact the real estate brokerage agency either by phone or in person at the agency’s place of business as licensed by the Commission.~~(Repealed)
- C. Prominent. “Prominent” means standing out so as to be seen easily; conspicuous; particularly noticeable.

2. *(Repealed)*

3. *(Repealed)*

4. *(Repealed)*

4-A. Advertising by Real Estate Brokerage Agencies

Real estate brokerage advertisements must contain the trade name ~~and contact information as licensed by the Commission~~ of the real estate brokerage agency ~~as licensed by the Commission that placed the advertisement~~. The trade name ~~and contact information~~ of the agency must be prominently displayed or presented. In an advertisement that appears on or is sent via the Internet, the trade name of the agency that placed the advertisement must prominently appear or be readily accessible.

In addition, the designated broker may authorize an advertisement that includes the name, telephone number, slogan, logotype or photo of an affiliated licensee or group or team of affiliated licensees as part of the brokerage services being offered by the real estate

brokerage agency. The affiliated licensee or group or team of affiliated licensees may not independently engage in real estate brokerage.

11. Inducements

The offering of a free gift, prize, money or other valuable consideration by a real estate brokerage agency or affiliated licensee as an inducement shall be free from deception, and shall not serve to distort the true value of the real estate or the service being promoted. Any limitations or conditions of the offering must be prominently displayed or presented. In an offering that appears on or is sent via the Internet, any limitations or conditions of the offering must prominently appear in the offering itself, or in a page view or window that is directly and immediately accessible via a link in the offering. The link must be identified by words such as “limitations,” “conditions,” or “terms of offer” and must prominently appear in the offering.