

Advertising Rules

(including Yard Signs, internet, and “owner/agent”)

What information must appear in all advertising?

Rule 1260-2-.12 ADVERTISING, provides the minimum information that must appear in all advertising including internet advertising. **The firm name and firm phone number must appear in all advertising.**

62-13-310. Affiliate broker relationship to broker.

(b) Licensees may not post signs on any property advertising themselves as real estate agents unless the **firm’s name appears thereon in letters the same size or larger than those spelling out the name of the licensee.**

62-13-312. Discipline — Refusal, revocation or suspension of license—Downgrading of licenses—Automatic revocation.—

(a) The commission may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth a cause of action under this section, ascertain the facts and, if warranted, hold a hearing for reprimand, or for the suspension or revocation of a license.

(b) The commission shall have power to refuse a license for cause or to suspend or revoke a license where it has been obtained by false representation, or by fraudulent act or conduct, or where a licensee, in performing or attempting to perform any of the acts mentioned herein, is found guilty of:

(1) Making any substantial and willful misrepresentation;

(2) Making any promise of a character likely to influence, persuade or induce any person to enter into any contract or agreement when the licensee could not or did not intend to keep such promise;

(3) Pursuing a continued and flagrant course of misrepresentation or making of **false promises** through affiliate brokers, other persons, or any **medium of advertising**, or otherwise;

(4) **Misleading or untruthful advertising**, including use of the term “Realtor” by a person not authorized to do so, or using any other trade name or insignia or membership in any real estate association or organization, of which the licensee is not a member;

1260-2-.12 ADVERTISING.

(1) **All advertising, regardless of its nature and the medium in which it appears**, which promotes the sale or lease of real property, shall conform to the requirements of this rule.

(2) General Principles:

(a) No licensee shall advertise to sell, purchase, exchange, rent, or lease property in a manner indicating that the licensee is not engaged in the real estate business.

(b) All licensees shall advertise under the firm name offers to purchase, sell, rent, or lease any property. All advertising shall be **under the direct supervision of the principal broker and shall list the firm name and telephone number.**

(c) No licensee shall **post a sign** in any location advertising property for sale without **written authorization from the owner** of the advertised property or the owner’s agent.

(3) A licensee is **exempt** from paragraph (2) of this rule if the licensee’s advertising includes the designation **“owner/agent” and the property is not listed.**