

61J2-10.025 Advertising.

(1) All advertising must be in a manner in which reasonable persons would know they are dealing with a real estate licensee. All real estate advertisements must include the licensed name of the brokerage firm. No real estate advertisement placed or caused to be placed by a licensee shall be fraudulent, false, deceptive or misleading.

(2) When the licensee's personal name appears in the advertisement, at the very least the licensee's last name must be used in the manner in which it is registered with the Commission.

(3)(a) When advertising on a site on the Internet, the brokerage firm name as required in subsection (1) above shall be placed adjacent to or immediately above or below the point of contact information. "Point of contact information" refers to any means by which to contact the brokerage firm or individual licensee including mailing address(es), physical street address(es), e-mail address(es), telephone number(s) or facsimile telephone number(s).

(b) The remaining requirements of subsections (1) and (2) apply to advertising on a site on the Internet.

Specific Authority 120.53, 475.05, 475.25(1)(c) FS. Law Implemented 475.01, 475.25, 475.42, 475.421, 475.4511 FS. History--New 1-1-80, Amended 2-17-81, 3-14-85, Formerly 21V-10.25, Amended 12-29-91, 7-20-93, Formerly 21V-10.025, Amended 4-18-99, 7-4-06, 2-5-07.

Team Advertising Research

As of March 1, 2016

There are currently six jurisdictions that have some kind of statute and/or rule that directly address Team Advertising. They are:

- British Columbia
- Colorado
- Louisiana
- Maine
- Maryland
- Oregon

Below is by jurisdiction and their statute/rule regarding teams:

British Columbia:

(VI) Teams and Agency

Some licensees operate as **teams**. Whether under designated agency or brokerage agency, members of these **teams** typically share information with respect to the various persons to whom they provide real estate services. That is the essence of the team concept. As a result, these **teams** are not able to separate their agency relationships, whether under brokerage agency or under designated agency. For example, if John Smith and Wendy Chang are a team, John cannot act as designated agent for the seller and Wendy as designated agent for the buyer in relation to the same trade. The team may be able to treat one or the other as a customer so long as an agency relationship hasn't already been established with that person. Otherwise, the team will have to seek the consent of both clients to act as limited dual agents.

Colorado:

Rule E. Separate Accounts – Records – Accountings - Investigations

E-8. Advertising

(a) Names

1. Pursuant to C.R.S. §12-61-103(10), no broker shall be licensed to conduct real estate brokerage services under more than one brokerage firm, and no broker or brokerage firm shall conduct or promote a real estate brokerage business except in the name under which that broker or brokerage firm is licensed. However, a brokerage firm may use a trade name in addition to or instead of the brokerage firm's legal name with the permission of the owner of such trade name. The trade name must be filed with the Commission.

2. No broker shall advertise so as to mislead the public concerning the identity of the broker or the broker's brokerage firm.

Colorado continued:

3. All advertising must be done clearly and conspicuously in the name of the broker's brokerage firm. A broker who advertises property owned by the broker which is not listed for sale or lease with the broker's brokerage firm, is exempt from advertising the broker's property in the broker's brokerage firm's name.

4. A brokerage firm may use a trademark in conjunction with the brokerage firm's legal name or trade name with permission of the owner of such trademark.

5. A brokerage firm that uses a trade name or trademark owned by a third party is required to use the following legend, which must appear in a clear and conspicuous manner so as to attract the attention of the public:

"Each (insert general trade name) brokerage business is independently owned and operated."
Upon written request, this legend may be modified with consent of the Commission.

6. No brokerage firm shall use more than one trade name, however upon written request and with the consent of the Commission, a brokerage firm may use more than one trademark. Use of the trademark(s) is only acceptable if the brokerage firm has obtained permission of the registrant of such trademark.

7. No broker or brokerage firm will use a professional designation in advertising unless the broker or brokerage firm is in good standing and the designation is easily verifiable by the public and the Commission. A broker or brokerage firm that advertises an award, membership or achievement must be able to provide verification of the validity of such claims.

(b) Teams

1. Brokers who form a team shall not advertise in a manner that misleads the public as to the identity of the team's brokerage firm. Teams are prohibited from using the following terms in the team's name:

- (i) Realty,
- (ii) Real estate,
- (iii) Realtors,
- (iv) Company,
- (v) Corporation,
- (vi) CORP.,
- (vii) INC.,
- (viii) LLC,
- (ix) LP or LLP

(x) Or any other term that would imply a separate entity from the brokerage firm with which the team brokers are licensed.

2. All team advertising must include the legal name or trade name of the brokerage firm.

3. If requested by a consumer, the Commission, another brokerage firm or a broker, the brokerage firm will provide the names of the brokers that belong to any team advertising as being licensed with the brokerage firm.

4. Brokers may not allow the use of the team name to other brokers outside the team's brokerage firm.

Colorado continued:

(c) Internet

1. The broker is responsible for ensuring that all advertising is accurate and complies with copyright laws.
2. When a broker owns a website or controls its content, every viewable page must include the broker's name, or if applicable the team name and the broker's brokerage firm name. Any expired listings must be removed from the broker's website within three days of the listing expiring.
3. If a broker authorizes a third party to advertise on behalf of the broker, the broker is responsible for ensuring that the information provided to such third party is accurate. The broker must submit a written request to the third party to have an expired listing removed from the website within three days of the listing expiring.
4. A broker, who communicates through email, chat, instant messages, newsgroups, discussion lists, bulletin boards, blogs or other similar means for purposes of advertising the broker's real estate brokerage services must use the broker's name, or if applicable the team name, and the name of the broker's brokerage firm. However, once a broker has disclosed the broker's name and the broker's brokerage firm to a specific client or customer, the broker is not required to continue to make the same disclosure to the specific client or customer.
5. When it is not reasonable for a broker to disclose the broker's name, or if applicable the team name, and brokerage firm name in electronic advertising because space is limited (i.e. Twitter, Facebook, Youtube, banner advertisements, etc.), the broker will disclose clearly and conspicuously on the broker's webpage to which the advertising links, within the first click of the mouse.

Louisiana:

Chapter 19. Real Estate Teams and Groups

§1901. Definitions

A. For the purpose of this Chapter, team or group shall mean a collective name used by two or more real estate licensees, who represent themselves to the public as a part of one entity that performs real estate license activities under the supervision of the same sponsoring broker.

§1903. Sponsorship

A. Team or group members shall be sponsored by the same broker and, if applicable, shall conduct all real estate license activity from the office or branch office where their individual license is held.

B. Licensees shall not form a team or group without written approval from the sponsoring broker.

C. The sponsoring broker shall designate a member of each approved team or group as the

Louisiana continued:

contact member responsible for all communications between the broker and the team.

§1905. Team or Group Names

A. Team or group names shall not contain terms that could lead the public to believe that the team or group is offering real estate brokerage services independent of the sponsoring broker. These terms shall include, but are not limited to:

1. real estate;
2. brokerage or real estate brokerage;
3. realty;
4. company.

§1907. Team or Group Leaders

A. The sponsoring broker shall be responsible for all license activity of team or group members sponsored by the broker.

B. The designated contact member of each team or group shall maintain a current list of all team or group members, which shall be provided to the sponsoring broker upon formation of the team or group and immediately upon any change thereafter.

C. A current record of all team or group names, and the members thereof, shall be maintained by the sponsoring broker in a manner that can be made readily available to the LREC upon request, including record inspections.

§1909. Team Advertising

A. A team or group name shall not be used in advertising without the written approval of the sponsoring broker.

B. The term "team" or "group" may be used to advertise real estate license activities provided that:

1. the use of the term does not constitute the unlawful use of a trade name and is not deceptively similar to a name under which any other person or entity is lawfully doing business;
2. the team or group is composed of more than one licensee;
3. the advertising complies with all other applicable provisions of this Chapter and LAC 46:LXVII.Chapter 25 of these rules and regulations.

C. An unlicensed person shall not be named, acknowledged, referred to, or otherwise included in any team or group advertising.

Louisiana continued:

§1911. Disputes

A. The commission shall not intervene or become otherwise involved in team or group disputes, including those pertaining to financial obligations that are the result of a business relationship between a team or group, team or group member, branch manager, sponsoring broker, or any combination thereof, including the payment of commissions and dues to professional organizations. Such disputes shall be settled by the respective parties or by a court of competent jurisdiction.

Chapter 25. Advertising; Disclosures; Representations

§2501. Disclosures and Representations

E. A group or team name may be used in an advertisement only with the approval of the sponsoring broker. Any person listed as a group or team member in the advertisement must be a licensee sponsored by the sponsoring broker.

G. If allowed by the sponsoring broker, the salesperson or associate broker may include in the advertisement:

3. a group or team name, as long as the advertising complies with all other applicable provisions of this Chapter and LAC 46:LXVII.Chapter 19 of these rules and regulations; and
4. a slogan that may not be construed as that of a company name.

Maine:

1. Advertising

4-A. Advertising by Real Estate Brokerage Agencies

Real estate brokerage advertisements must contain the trade name as licensed by the Commission of the real estate brokerage agency that placed the advertisement. The trade name 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.

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Maryland:

PART V. PROVISION OF REAL ESTATE BROKERAGE SERVICES THROUGH A TEAM
Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 17-548 (2014)

§ 17-548. Conducting of real estate brokerage activities

Team members must conduct all real estate brokerage activities from the office or branch office where their licenses are displayed as provided in § 17-317 of this title.

***Oregon:**

OAR 863-015-0125(11):

(11) A licensee may use the term “team” or “group” to advertise if:

(a) The use of the term does not constitute the unlawful use of a trade name and is not deceptively similar to a name under which any other person is lawfully doing business;

(b) The team or group includes at least one real estate licensee;

(c) The licensee members of the team or group are associated with the same principal broker or property manager;

(d) The licensee members of the team or group use each licensee’s licensed name as required under section (3) of this rule;

(e) If any non-licensed individuals are named in the advertising, the advertising must clearly state which individuals are real estate licensees and which ones are not; and

(f) The advertising complies with all other applicable provisions of ORS chapter 696 and its implementing rules.

** The following are comments from Oregon:* “Comment: Complaints that we receive regarding the use of these terms have much to do with the prominence of the “Team” or “Group” name in relationship to the registered business name by which the licensee is associated. i.e. a yard sign which advertises a “Team” or “Group” name where the registered business name is less than 1/3 of the overall signage.

Our laws describe this notice to the public as “Prominently displayed, immediately noticeable, and conspicuous in all advertising”. The ambiguity of these words and their interpretation may possibly lead some to have a difference of opinion in determining whether an licensee is within compliance or not, leading to complaints that at times end in closed cases with no action taken.