

Advertising Best Practices Guide

Arkansas Real Estate Commission

2019



A Note from the Executive Director

While there have been many changes in the real estate profession over the past several years, nothing has expanded and evolved as exponentially as advertising. Social media use and new business models are moving targets that present practitioners, consumers and regulators alike with new changes every day. Providing you as practitioners with guidance and rules on advertising today that will still be applicable tomorrow is no doubt challenging. Nevertheless, we have endeavored to do just that with the Advertising Best Practices Guide, and it is our sincere hope that our efforts will stand the test of time.

I wish to express the Commission's gratitude to the real estate brokers, salespersons and educators who have contributed to this effort. I would also like to thank the members of the Arkansas REALTORS® Association, specifically the 2018 Legislative Committee, and the Commissioners and staff of the Real Estate Commission. Without the involvement of these stakeholders, the Advertising Best Practices Guide would not have been possible. Finally, we extend our gratitude to the Nova Scotia Real Estate Commission for the use of their Advertising Guidelines publication in creating this Guide.

It is my hope this guide will help foster a real estate marketplace in Arkansas wherein communication and understanding lead to successful real estate transactions for consumers and practitioners alike. When done correctly, effective advertising can greatly enhance an individual and a firm's success. The Commission is pleased to offer this Guide as a tool for making that happen.

As always, the Real Estate Commission staff are willing and available to answer any advertising questions you may have. You will find a contact list of AREC staff on page 6. These individuals are equipped to work with licensees in establishing and maintaining advertising compliance, and I encourage you to reach out to them anytime you need assistance.

Gary Isom
Executive Director
Arkansas Real Estate Commission

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Introduction

First Why, Then How

As a regulatory agency, the Commission must strike a balance between rules so burdensome practitioners find them difficult to understand and rules so vague they allow the marketplace to become a veritable Autobahn. On the one hand, cumbersome rules could easily deter compliant advertising. On the other, licensees would be allowed to almost infinitely push the envelope with questionable advertising practices that can place consumers at risk.

Challenging as it may be, the Commission strives to adopt rules that provide you as practitioners with a solid sense of what is required and how to meet those requirements. In other words, we want to give you a compass and a map. In the Real Estate License Law, you find the compass: a framework for understanding which way is north on any given day. The Commission Rules are your map, showing the various points along your journey and how to travel between them.

With the Advertising Best Practices Guide, the Commission is taking things one step further. Think of this guide as your GPS: compass, map and turn-by-turn navigation all in one. Throughout these pages, we endeavor to address the gray area of real estate advertising compliance so licensees can know whether their advertising practices are on target or veering off route and in need of a recalculation.

There are infinite ways to advertise in real estate, and any attempt to address each and every manner of advertising would be futile. As such, there will always be questions of compliance in advertising. You may find you still have questions after you've read this guide. Perhaps it will help to begin with an understanding of the need for advertising requirements. Often when we understand the *why*, we can more fully grasp the *how*.

In short, consumer protection is the *why* behind everything the Commission does. Specifically when it comes to advertising, there are several ways licensees may take a detour. The first potential wrong turn is advertising in a manner that can leave consumers confused or uninformed regarding a licensee, a firm and/or the services they provide.

The next pitfall lies in the area of agency relationships. In Arkansas, all agency relationships flow through the Principal Broker, guaranteeing a certain level of representation to consumers. However, a consumer can only avail himself of that representation if he knows who the Principal Broker is. When a licensee or a team allows personal or team branding to take prominence over the connection to their firm, the consumer cannot readily identify who represents them – either by identifying the firm or the Principal Broker.

A third road hazard in advertising occurs when listing agents' advertisements obscure their firm connection such that other licensees have difficulty identifying and reaching the listing firm to discuss a listed property. It's safe to assume if another licensee can't identify your firm, neither can a prospective buyer. We often hear from frustrated agents whose buyers are interested in

a property, but the agents can't track anyone down to discuss the listing. In these cases, the listing agent not only fails to protect and promote the best interest of his seller, he is potentially impeding another licensee's ability to meet that same duty to her buyer.

We hope this Advertising Best Practices Guide will help show you the way in developing advertising that is compliant with License Law and Commission Rules. We also hope this Guide will help practitioners avoid the costly litigation that can result when consumers pursue legal action against the real estate broker and agent who failed to protect and promote their interests. Anytime a practitioner has to participate in a hearing at the Commission or in a court of law, it comes at a great cost to the licensees involved. We would like to help you avoid paying that price with your time, money and reputation. If you would like to avoid that as well, this Guide is for you.

Enhancing Professionalism and Consumer Protection

Let's dig a bit deeper into why the Commission regulates real estate advertising with a look at the following primary objectives for regulating the advertising and marketing activities of licensees:

- To protect the public by clearly indicating where, how and with which firm agents are licensed;
- To emphasize a high standard of professionalism for real estate brokers and salespersons that protects and enhances the consumer's understanding of their representation in a real estate transaction brokered by licensed agents;
- To avoid vague, misleading and deceptive advertising by balancing the legal demands of agency representation with a licensed professional's need for self-promotion and business development; and
- To provide supervising brokers the tools and leverage they need to manage licensees who report to them.

It is in the best interest of all parties involved in real estate transactions for the advertising requirements of the Real Estate Commission to reflect the high degree of professionalism real estate professionals should uphold. This applies to all areas of real estate practice, whether it be residential, investment, commercial, industrial, office and retail, etc.

The Supervising Broker is Ultimately Responsible

Throughout this Guide, "Supervising Brokers" will refer to Principal Brokers or Designated Executive Brokers over a branch office. Principal Brokers may also delegate supervisory responsibilities to Executive Brokers or even other licensees within their firm. While the Principal Broker is ultimately responsible for the real estate activities of their agents, that responsibility can also extend to supervising brokers as designated by the Principal Broker.

Guidelines for Best Practices

As mentioned earlier, this Guide does not contain the answer to every conceivable advertising question. Rather, its purpose is to provide guidelines that will help licensees incorporate a system of best practices for advertising correctly while also identifying advertising practices that violate the Real Estate License Law and Commission Rules.

Licensees are encouraged to speak with their Principal Brokers and contact the Real Estate Commission anytime they have questions or wish to seek clarification on advertising. As we often say when we address groups of licensees: when in doubt, talk it out. We would much rather sort through compliance issues with you on the front end than send you a formal invitation to appear before the Commission after you have tried – and possibly failed – to navigate a potentially problematic scenario on your own.

The following AREC staff are equipped to assist licensees in establishing and maintaining advertising compliance:

AREC Investigations Department	501-683-8038	arecinv@arkansas.gov
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A concise list of AREC's Advertising Guidelines can be found in the Appendix of this Guide. Of particular interest to licensees and their Supervising Brokers are the recommended deadlines for compliance contained in those Guidelines.

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Chapter 1

Advertising Basics

Advertising and Marketing Categories

Real estate advertising typically falls into one of two main categories: Firm and Agent Promotion or Property Advertising.

Firm and Agent Promotion

This category includes advertising for the broker/agent and the services offered by the broker's firm. The purpose is to draw the attention of potential clients to the firm and the services offered by the firm. Typical venues for this type of advertising include newspapers, television, radio, websites or social media.

This type of advertising should be conducted in a manner that includes information about the Principal Broker and/or the firm with which an agent is licensed. This includes advertising and marketing for individual agents or for agents collectively (e.g., teams) licensed with the Principal Broker or firm.



Property Advertising

This category concerns advertising of properties that are listed with a Principal Broker's firm.



This type of advertising may occur in newspapers, trade publications, area real estate guides, television, radio, websites, social media or Multiple Listing Services and other web-based entities. The purpose is to advertise one or more properties for sale or lease.

To advertise property for sale or lease, brokers and salespeople should have the seller's or lessor's written permission, either directly or by authorization of the listing broker. Generally, this means there should be a brokerage contract or permission-to-show document signed by the property owner/seller.

Broker Supervision

All licensees must know the requirements regarding advertising, as they are individually responsible for abiding by those rules. However, given the agency structure of real estate brokerage in Arkansas, liability for misleading or deceptive advertising by Salespersons and Associate Brokers flows directly to the Supervising Brokers under whom those persons are licensed.

All licensees conduct brokerage activities in one of two ways: either as persons authorized to act on the brokers' behalf as independent contractors or as employees of their Supervising Brokers. As such, Supervising Brokers are responsible for overseeing the advertising of these agents. Supervising Brokers must take all reasonable means to ensure that their own advertising and any advertising done on their behalf by their salespersons or other brokers complies with the Commission's requirements.

Guidelines for Best Practices in Real Estate Advertising and Marketing

Advertising and Marketing: Included in these guidelines are all forms of identification, representation, promotion and solicitation (signage, business cards, websites, television/radio advertising, and social media) disseminated in any manner and by any means of communication to the public for any purpose related to brokerage activities listed in A.C.A. § 17-42-103(10).

Firm Advertising and Marketing Policies and Procedures: All Principal Brokers and Designated Executive Brokers having licensees affiliated with their firms should develop an internal policy for advertising and marketing to be on file with and maintained by the Principal Broker. This will help Supervising Brokers establish they have complied with Commission Rule 10.4 regarding broker responsibilities and supervision.

Training on Policies and Procedures: Principal Brokers are responsible for training all licensees affiliated with their firms on the fundamentals of real estate brokerage activities, including compliance with Commission Rule 10.5. All Principal Brokers should be able to demonstrate to the Commission in a manner acceptable to the Commission that this training has been provided to and completed by all licensees affiliated with their firms.

Chapter 2

Firm Name and Affiliation

Choosing a Firm Name

Regulatory Aspects of Firm Name Selection

Principal Brokers must have their firm names approved by the Real Estate Commission. The Commission attempts to ensure that a requested firm name is not confusingly similar to the name of another firm, is not misleading, or would not in any other way cause confusion for consumers.

It can sometimes be difficult, even for the Commission, to avoid confusion in issuing firm name approvals. For example, if a Principal Broker has a business registered with the Secretary of State's office, AREC can hardly refuse the Principal Broker permission to advertise and conduct business in that name. This may result in two firm names being very similar, except that one includes a suffix such as "Inc" or "LLC".

When licensees stray from using the firm name approved for their Principal Broker, it diminishes the efforts by the Principal Broker and the Real Estate Commission to avoid advertising and marketing activities that can be confusing to consumers. It is difficult enough for the Commission, having access to all firm names approved in Arkansas, to avoid firm name confusion. By advertising in names other than that approved for their Principal Broker, licensees can lessen, if not eliminate, the consumer's ability to identify the Principal Broker with whom the consumer has an agency relationship.

Practical Aspects of Firm Name Selection

A Principal Broker should keep a few things in mind when selecting a firm name. The Commission recommends the firm name not be so long that the name, along with other information, cannot fit into advertising spaces. Trademarks such as REALTOR® should not be included in a proposed firm name that is submitted to AREC. However, Principal Brokers will often want to include the trademark at the end of their firm name. If the firm name is too long, that can become difficult.

Firm names should not be so general consumers cannot recognize the firm as being engaged in real estate brokerage. However, the name should not be so specific as to limit the type of brokerage activities in which a Principal Broker engages. For example, a Principal Broker who wants to have both residential and commercial operations can do so without having to have two different names approved. A Principal Broker could have the firm name "Ocean Top Properties" approved and then add verbiage such as "Residential Sales" or "Commercial Division" in their advertising. Advertising requirements do not necessarily prohibit the usage of such additional verbiage, as long as that verbiage does not diminish or supplant the name of the firm, leading to confusion for clients and customers.

Advertising and Firm Names

Exact Firm Name Only

Principal Brokers and every agent licensed under them can only perform brokerage activities under their firm name as it appears on their real estate license. Every licensee's license displays the name under which their Principal Broker has chosen to operate.

Primary Contact Information

Principal Brokers are responsible for determining what constitutes the firm's primary contact information: whether it is the main phone number or physical address for each of the firm's office locations. Principal Brokers may also elect to designate their firm's website address as the firm's contact information. If they choose to use a phone number, the Principal Broker should designate the "main" phone number for each of the firm's office locations. This information should be part of the firm's internal advertising policy.

Addressing External Influences

In recent years and across the country, misleading advertising in the real estate profession has significantly increased. Occasionally, new business models evolve which necessitate regulatory adjustment to allow for those models. However, trends in advertising do not fall into that category. Existing rules allow most styles of advertising that are currently in the market. The problem is that licensees are not requesting their licenses be issued in the style they are advertising and conducting business.

Advertising requirements or permissions of national franchises or other organizations do not override or replace the advertising requirements set out in Commission Rules. Such requirements that are in conflict with Commission Rules will not be recognized for compliance purposes in the advertising and marketing of real estate brokerage activities.

Simply put, a licensee must either:

- (1) advertise and conduct business in the way their Principal Broker is licensed; or,
- (2) become licensed in the way they wish to advertise, market and conduct real estate brokerage business.

For example, Sandy Shores is a salesperson with Ocean Top Properties, a SeaMax Realty franchise. Sandy would much rather consumers recognize her name than her firm's name, so she makes sure her name is prominent in all of her advertising. If the name "Ocean Top Properties" is included at all, it's usually very hard to spot. Sandy's problem is not that she's developed a new way of advertising that the AREC can't understand. Sandy's problem is that she is not the Principal Broker of Sandy Shores Real Estate. She is a salesperson for Ocean Top Properties. This problem has a very simple solution: Sandy can become licensed as Principal Broker of Sandy Shores Real Estate. You will see in our examples throughout this Guide that Sandy Shores adds the logo for SeaMax Realty to her advertising in an inconspicuous manner. This is permissible.

Along this line, it should be noted that AREC has no restriction on how many Principal Brokers/firms can be associated with a particular real estate franchise. In addition, a Principal Broker or real estate firm can be a member or part of a larger unlicensed corporation, franchise, association or other ownership/member organization. The Real Estate Commission

recognizes the Principal Broker and his or her firm for licensure purposes. As such, assuming the Commission approves the name in which any licensee wants to practice real estate brokerage activities, there is no regulatory prohibition against doing so.

It is also worthy of note that while every real estate firm must have a Principal Broker, that Principal Broker does not have to own the real estate firm. Licensed salespersons and even unlicensed persons have owned and operated many successful real estate firms.

Chapter 3

Basic Compliance

Real Estate License Law

A.C.A. § 17-42-311. Violations.

(a) The following acts, conduct, or practices are prohibited, and any licensee found guilty shall be subject to disciplinary action as provided in § 17-42-312:...

(4) Making any substantial misrepresentation;

(5) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication, or distribution of false statements, descriptions, or promises of such character as to reasonably induce, persuade, or influence any person to act thereon;...

(10) Advertising in a false, misleading, or deceptive manner;...

Commission Rules: Advertising

10.5 Advertising.

(a) A licensee may not advertise any property, including the licensee's own property, for sale or rent, or display a real estate sign without including in that advertisement or sign the name of the firm with whom that licensee is licensed.

(b) A principal broker and any persons licensed with said principal broker shall not advertise or otherwise conduct real estate brokerage business under any name other than the name in which the principal broker's license has been issued.

(c) In public advertising a principal broker shall be especially careful to present a true picture and should not permit licensees to use individual names or telephone numbers, unless the licensee's connection with the broker is obvious in the advertisement.

Commission Rules: Firm Names, Agency, Broker Responsibilities and Signage

7.1 Firm name approval.

The Commission shall issue no principal broker's license where the proposed name of the firm is confusingly similar to the name of another firm, is misleading, or would in any way be confusing to the public. It shall be the duty of the principal broker to inquire of the Commission concerning the acceptability of the proposed firm name.

8.4 Failure to disclose agency relationship.

A licensee who fails to disclose the licensee's agency relationship in the time and manner required by these regulations shall be subject to sanctions under Section 17 of Act 690 of 1993 [A.C.A. §17-42-312].

8.5 Fidelity and honest dealing.

(a) In accepting employment as an agent, a licensee pledges to protect and promote the interests of the client or clients. This obligation of absolute fidelity to the interest of the client or clients is primary, but does not relieve a licensee from the equally binding obligation of dealing honestly with all parties to the transaction.

(b) A licensee shall not offer or advertise property without authority and in any offering or advertisement the price quoted must not be other than that agreed upon with the owners as the offering price.

(c) When acting as agent in the sale or management of property, a licensee shall not accept any commission, rebate, profit, payment, compensation or other valuable consideration from any source in connection with the property without full written disclosure to the party represented by the licensee.

(d) A licensee shall not accept compensation from more than one party without full written disclosure to all parties to the transaction.

10.4 Broker responsibilities; executive brokers; part-time brokers.

(a) (1) A principal broker is generally responsible for all business conducted by the broker's firm and for all of the real estate activities of all of those licensed under or associated with the principal broker, unless the licensee conducted real estate business independently and without permission or authority from the principal broker. If the principal broker learns that a licensee is conducting business independently, that principal broker must comply with Commission Regulation 10.1(a). (Amended 1/1/2010)

(2) A principal broker may delegate supervisory responsibility to another broker by designating such broker as an "executive broker." The executive broker may sign offer and acceptance forms as supervising broker and can be responsible for instructing and supervising salespersons and/or brokers for whom the executive broker is responsible. The executive broker may also be delegated responsibility by the principal broker for administrative procedures required by the Commission, such as signing transfer applications. For each executive broker so designated, the principal broker must complete and file with the Commission an appropriate designation form signed by both the principal broker and the designated executive broker. The designation of an executive broker is effective when filed with the Commission.

(3) Designation of one or more executive brokers does not absolve the principal broker of general responsibility for the conduct of all real estate business conducted by the principal broker's firm, and the principal broker is specifically responsible for the activities of all executive brokers.

(b) Principal brokers and executive brokers have the duty and responsibility to instruct those brokers and salespersons licensed under them with regard to the fundamentals of real estate practice and the ethics of the profession, and to keep them informed and abreast of all changes and developments pertaining to the Arkansas Real Estate License Law and Commission regulations. They shall also exercise strict supervision of the real estate activities of all those licensed under them and for whom they have supervisory responsibility.

(c) Whether or not a principal broker or executive broker has discharged these responsibilities for those licensed under him/her will depend on various factors and circumstances, including, without limitation, the following:

- (1) Frequency and manner of contact and communication;
- (2) Type and frequency of educational and instructional activities;
- (3) Method and frequency of monitoring real estate activities.

(d) (1) The preparation of instruments in connection with a real estate rental or sale and the closing of a sale by a licensee must be performed by or under the specific supervision of the principal broker.

(2) If the principal broker or designated executive broker or their assigned licensee, closes a transaction or selects a third party to close the transaction, it is the responsibility of the principal broker or designated executive broker to ensure that the real estate closing conducted on behalf of the principal broker's or designated executive broker's client(s) is conducted in accordance with the agreement of the buyer and seller. If the buyer and/or seller selects a third party to close the transaction the principal broker or designated executive broker, or their assigned licensee, must provide written closing instructions, on behalf of their client(s), to the third party closing the transaction, and review the client's closing statement, if reasonably available, to insure that the closing is conducted in accordance with the agreement of their client. It is strongly recommended that the principal broker, designated executive broker, or assigned licensee advise the client to contact the closing agent or title insurer about the availability of closing protection.

(e) No broker who is gainfully employed, or who is engaged in a non-real estate related field, may employ any licensee to work under the broker's license issued to such broker. A broker who is employed or who is engaged in any field other than real estate will be presumed to be gainfully employed or engaged in a non-real estate related field. This presumption may be overcome by proof that such employment or engagement is (1) in a real estate related field, and (2) conducted in the same office as the broker's real estate business.

10.13 Listing agreements; signs.

(a) If a firm holds an exclusive listing contract on a parcel of property, the selling licensee shall not contact the seller about showing the property or negotiating the sale without prior permission from the listing firm or other licensee designated by an authorized representative of the listing firm. Any offers received by the selling licensee shall be presented to the firm holding the exclusive listing contract not later than the close of the next business day after receipt of the offer. Likewise, all earnest moneys and deposits shall be forwarded to the listing firm for deposit in the listing firm's trust account. The listing firm or other licensee designated by an authorized representative of the listing firm shall then present the offer to the seller. The selling licensee may accompany the listing licensee with the latter's permission, but shall not contact the seller without prior permission from an authorized representative of the listing firm.

(b) A licensee shall not knowingly enter into an agency agreement or contract when there is reason to believe that there is an existing exclusive agency agreement or contract in force without first communicating with the other principal broker who holds such agreement or contract to confirm its existence. If there is an existing exclusive agency agreement or contract in force, the licensee shall not enter into another agency agreement or contract without first notifying the client in writing to consult with an attorney regarding the risk of being liable for two (2) separate commissions. (Examples: Exclusive Listing and Exclusive Buyer Representation Agreements or Contracts, Property Management Agreements)

(c) Signs offering or advertising a property may be on the property only during the existence of a listing agreement, unless otherwise authorized by the owner.

Establishing and Maintaining Compliance

How to Establish, Exemplify and Maintain Compliance

Whether or not a licensee has complied with the requirements in the above law and rules will depend on various factors and circumstances.

Firm Name is Primary

Principal Brokers and licensees with their firms shall not advertise or otherwise conduct business under any name other than the firm name in which their real estate license has been issued and that appears on their real estate license.

All advertising should include the firm name as recorded with the Commission. In all forms of visual advertising, the firm name should be displayed in a manner that is **conspicuous, discernible and easily identifiable by the public**.

All advertising by licensees must include contact information by which the public can directly communicate with the real estate firm's Principal Broker or the Branch Office Designated Executive Broker.

All advertising must prominently display the firm name *as it appears on the real estate license* of the licensee performing the advertising.

Keep Secondary Information Secondary

In all advertising, the name of the firm shall be displayed in prominence equal to or greater than the name of the licensee, a team or a DBA. The name of the firm shall be in close proximity to the licensee's name, team name or DBA.

Advertising may not include a licensee's name and telephone number or other contact information unless the real estate firm name and contact information are also clearly included.

The firm's contact information can include either the main phone number or physical address for each of the firm's office locations. The Principal Broker may also allow the firm's website address to serve as the firm's contact information in advertising.

The firm name should appear in all advertising and be accompanied by:

- Main phone number, physical address or web address for firm; or
- Principal Broker's name.

Team names, personal names and DBA names shall not be displayed in a manner that they can be construed as a real estate firm name.

The name of the real estate firm may be embedded in a logo as long as the firm name is otherwise displayed in compliance with this section.

Chapter 4

Advertising Best Practices: A Few Examples

Mandatory, Elective and Prohibited Components in Advertising

The following best practices will most often lead to compliant advertising.

Mandatory components that should be included in a conspicuous and discernible manner, easily identifiable by the public:

- Real estate firm name
- Main office telephone number, physical address, firm's website address or Principal Broker's name

Elective components that can be in close proximity to the firm name but no greater in size or more visible than the firm name:

- Licensee's name
- Team name
- Licensee's phone number

Other elective components:

- Email addresses
- Website addresses
- Fax numbers

Prohibited components:

- Team names, personal names and DBA's construed as a firm name
- Language confusingly similar to another firm, team or licensee
- Indications that a property is for sale by owner (FSBO) when it's not
- Firm name abbreviations or alterations

Print Media Guidelines

The firm's information should meet the following standards in all forms of print media, yard signs, billboards, business cards, automobile signage, promotional items, etc. The firm's information should:

- Be in a type of the same optical size or larger than any agent or team name in the advertisement;
- Be as visible or more visible than any agent or team name in the advertisement;
- Not be obstructed more than any other content in the advertisement;
- Appear in all languages used in the advertisement; and
- Contain the primary contact information required.

Business Cards

The following examples show an AREC-issued salesperson license and pocket card and the salesperson's business card that meets the advertising requirements. The exact verbiage in the firm name on the license should appear on the business card.

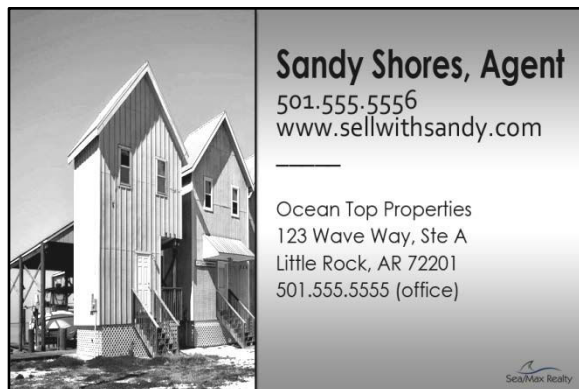
Salesperson License:



Salesperson Pocket Card:




On this business card, the firm name is correctly shown in close proximity and equal prominence to the licensee's name, and the applicable firm contact information is included.



In this example, the firm's name and contact information is obscured relative to the agent's name, telephone number and personal website. Not only is the firm's name shown in a much smaller optical size and lighter typeface, it is also distanced from the agent's name. This business card would not be considered compliant.

Periodicals, Newspapers and Magazines

The following are examples of compliant newspaper/magazine ads:

West Little Rock REAL ESTATE	Farmhouse/Acreage REAL ESTATE	Downtown NLR REAL ESTATE	Vacant Land REAL ESTATE
<p>OCEAN TOP PROPERTIES</p> <p></p> <p>14 Hemingway. Beautiful split-level. 4BR, 2BA, bonus room. Many upgrades including windows, floors. Won't last. \$244,900.</p> <p>Sandy Shores 555-5555</p>	<p>Spacious, warm, bright farmhouse on 5 acres. Miles of nature trails nearby. Finished barn with studio loft for in-laws or college student. \$379,000.</p> <p>Jim Smith 555-9876</p> <p><i>Farm Life Properties</i></p>	<p>Rogers Realty</p> <p>Upgraded 3BR craftsman in Argenta Historic District. Renovations too numerous to list. Cozy neighborhood feel close to downtown LR/NLR action. \$209,000.</p> <p>Jane Adams 555-3698</p>	<p>A builder's dream! 20 acres w/ 2 small ponds just west of Conway. All utilities + a well on land. Several building sites to choose from. Road frontage, plenty of evergreens. \$425,000.</p> <p>Bob Jones 555-3456</p> <p>Rural Land Sales Inc.</p>

These are examples of noncompliant ads:

West Little Rock REAL ESTATE	Farmhouse/Acreage REAL ESTATE	Downtown NLR REAL ESTATE	Vacant Land REAL ESTATE
<p>14 Hemingway. Beautiful split-level. 4BR, 2BA, bonus room. Many upgrades including windows, floors. Won't last. \$244,900.</p> <p>CALL SANDY SHORES! 555-5556 sellwithsandy.com</p>	<p>Spacious, warm, bright farmhouse on 5 acres. Miles of nature trails nearby. Finished barn with studio loft for in-laws or college student. \$379,000.</p> <p>Call Jim Smith to schedule showing. 555-JIMS or jim@jimsmithprops.com.</p>	<p>Upgraded 3BR craftsman in Argenta Historic District. Renovations too numerous to list. Cozy neighborhood feel close to downtown LR/NLR action. \$209,000.</p> <p>Jane Adams 555-1234</p> <p><small>Rogers Realty</small></p>	<p>A builder's dream! 20 acres w/ 2 small ponds just west of Conway. All utilities + a well on land. Several building sites to choose from. Road frontage, plenty of evergreens. \$425,000.</p> <p>Bob Jones, Broker Text "Show me the 20" to 555-7777</p>

Compare the compliant ads to the noncompliant ads. Can you identify what makes each ad compliant or noncompliant?

If ad space is limited in print media, licensees may, with their Principal Broker's approval, omit their firm contact information in periodical advertisements; however, licensees should still include their name and the name of their firm exactly as it appears on their license. It should be clearly apparent from reading the advertisement the property is listed with a firm and is being sold by a licensee.

Yard Signs

The following example shows a salesperson's yard sign that is compliant:



The following example shows how a salesperson's sign should NOT appear:



In the noncompliant example above, the real estate firm name is much smaller than the agent's name and the firm's contact information is absent. Arguably, the firm name may even be difficult to read on a yard sign, particularly in contrast with the agent's name and contact information.

Separate signage riders that include the real estate firm name should be placed above the other signage.

Signs on Billboards, Bus Benches, Etc.

The following example shows a salesperson's sign that is compliant:



The following example shows how a salesperson's sign should NOT appear:



While the ad above is appealing, it is noncompliant. First, the agent's name is shown in much greater prominence than the firm's name. Additionally, the contact information for the firm is missing and has been replaced by the agent's mobile number and individual website.

In addition to complying with real estate license law and Commission Rules, signage must obey specific laws, ordinances and zoning regulations. Licensees should verify local requirements, condominium and apartment rules, roadside advertising rules and sign placement rules in common areas and on roadways, etc.

Audio and Video

In live or recorded television, video or radio advertising, the firm name must be disclosed in a manner that is conspicuous, discernible and easily identifiable by the public. The options for accomplishing this disclosure in television, video or radio advertising are varied, but here are two examples that pertain to radio advertisements.

Example script of a compliant radio advertisement:

"Looking for your next dream home? Call Sandy Shores with Ocean Top Properties. Sandy has twenty years of experience working with buyers and sellers alike. Sandy and Ocean Top Properties have the marketing know-how and well-honed selling techniques you need in today's real estate market. Selling or buying a home doesn't have to be stressful. Call Sandy Shores with Ocean Top Properties today. 501-555-5555."

Example script of a noncompliant radio advertisement:

“Looking for your next dream home? Call Sandy Shores at 501-555-5556. Sandy has twenty years of experience working with buyers and sellers alike. She has the marketing edge to attract interested buyers, and her well-honed selling techniques will sell your home fast and for top dollar. Selling or buying a home doesn’t have to be stressful. Call Sandy Shores today at 501-555-5556 or visit her online at www.sellwithsandy.com.”

Compare the two radio advertisement scripts. Can you identify what makes each script compliant or noncompliant?

Online and Social Media Guidelines

The firm’s information should meet the following standards in all forms of online advertising and promotion:

- In all social media advertising, the firm’s name and information should be:
 - prominently displayed,
 - in close proximity to the licensee’s or team’s information on the licensee’s or team’s profile or landing page, and
 - accessible within ‘one click’ or ‘one tap’ of any character-delimited post, section or page posted by or in the licensee’s or team’s account.
- In all other online advertising and websites, the firm’s name and contact information should appear on the home or landing page of the advertisement or website and be prominently displayed and in close proximity (where possible) to the licensee’s or team’s information.

Internet Advertisements

The full real estate firm name must be clearly and prominently displayed on every page (fixed or scrolling) of a firm’s or licensee’s website. The full firm name must also appear on every page of a licensee’s website and the licensee’s name must also be clearly displayed.

In other words, it should be immediately apparent to anyone viewing the licensee’s website who the licensee is and with which firm they are licensed.

One way to ensure the firm name is always visible on a web page is to use framing. On a web page, framing means a website can be organized into frames. Each frame displays a different HTML document. Headers and sidebar menus do not move when the content frame is scrolled up and down. When frames are employed on a licensee’s website, the firm name can be displayed in the header of a page and will remain visible when the viewer scrolls down the page.

Social Media Advertisements

Social media presents myriad avenues for engaging the public. Likewise, it allows for multiple ways to comply with the Commission's advertising rules. Your social media accounts contain static content such as your user name, profile picture and bio. This content remains the same from day to day, or post to post. Then they contain dynamic content – posts, tweets, pictures, etc. – that display differently depending on what and how often you post as well as how each particular platform is designed and displayed across various devices and operating systems.

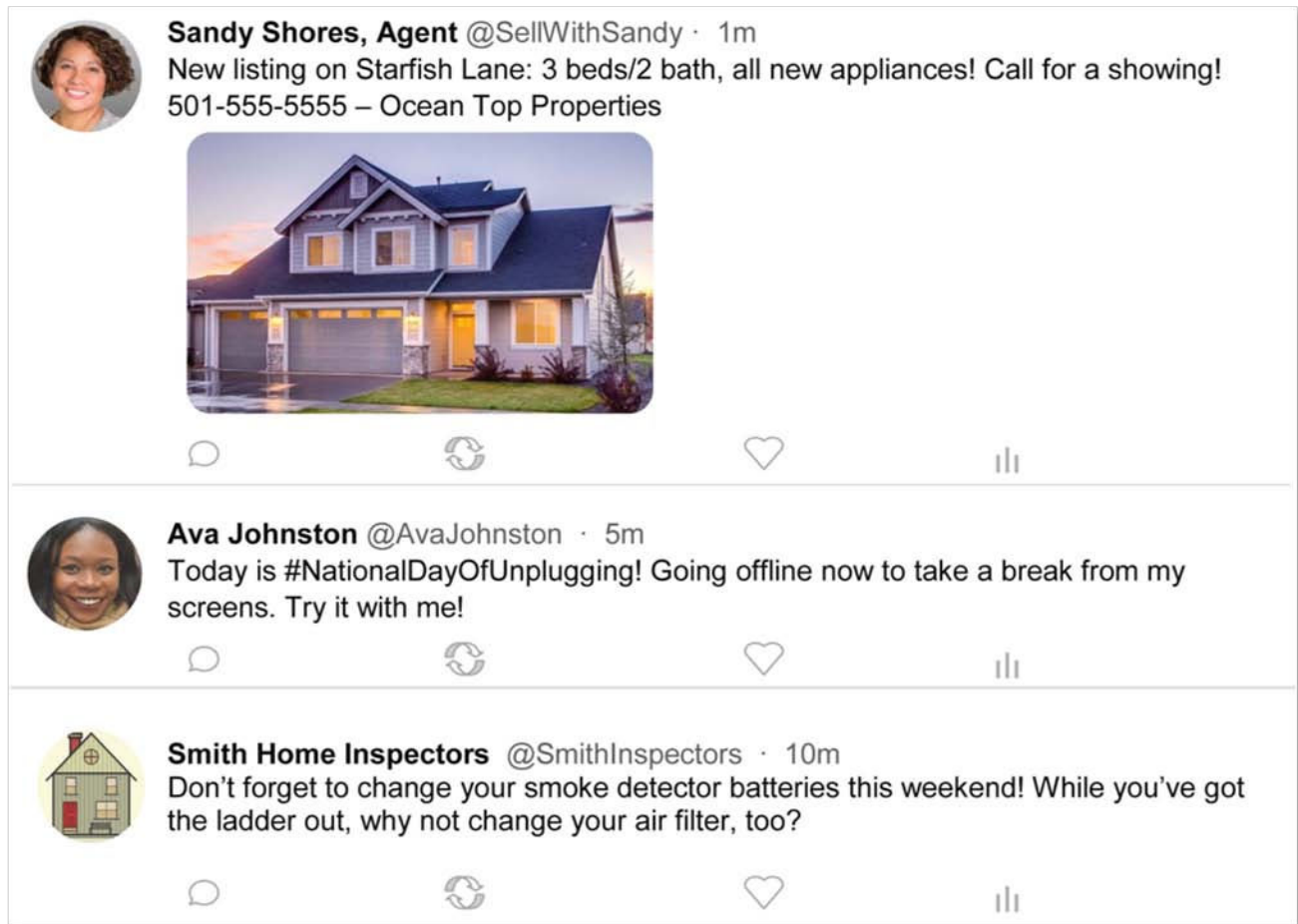
One excellent avenue for advertising compliance in social media is through savvy use of the static content. Let's look at one of Sandy Shores' social media accounts to see how she accomplishes this.



First, Sandy uses the header photo (also called a banner or cover photo) to display the required firm information (firm name, contact info). Next, Sandy identifies her firm in her Bio and uses her firm's website as her profile URL.

You may notice Sandy also includes her firm name and contact info in each of her posts, which are considered dynamic content. When viewing Sandy's posts while on her profile page, this may seem unnecessary; however, keep in mind users don't typically engage with profile pages

primarily – they most often scroll through a feed that displays all of their contacts' posts. A user who has just opened this social media app is more likely to see a post from Sandy in this context:



As you can see, when Sandy's post appears in another user's feed, the information that identifies her firm in her profile does not appear. Thus, it is important that she identify her firm and contact info in the post itself.

Let's pause and check your understanding. Review the list of mandatory, elective and prohibited advertising components at the beginning of Chapter 4. Identify any missing mandatory components, any improperly used elective components and any prohibited components in the profile page below. For an added challenge, indicate where each component either should be used and isn't or is used improperly.

Missing Mandatory Components

Improperly Used Elective Components

Prohibited Components

Let's check your work!



Missing Mandatory Components

Firm name and contact info are missing from the header photo. Firm name and contact info are missing from Bio. Firm name and contact info are missing from posts.

Improperly Used Elective Components

Licensee name and personal contact info are used without firm name and contact info in header photo. Licensee name, personal contact info (URL) and team name are used without firm name/contact info in Bio. Licensee name, personal contact info and team name are used without firm name/contact info in posts.

Prohibited Components

Team name is misconstrued as a firm name in Bio. Team name is misconstrued as a firm name in posts.

This example shows one of Sandy's individual social media posts. Sandy has arranged the static content in her profile such that her name shows in conjunction with her firm's name. She has also ensured that the firm's contact information (in this case the firm's website address) is shown in the post. This post would be considered compliant.



Sandy Shores, Ocean Top Properties

January 1 at 12:00 PM

Check out the stunning interiors in this waterfront beauty! Just listed and will go fast! Call me for a showing - 501.555.5556.



WWW.OTP.COM
333 SAND DOLLAR COVE



Sandy Shores

January 1 at 12:00 PM

Check out the stunning interiors in this waterfront beauty! Just listed and will go fast! Call me for a showing - 501.555.5556.



www.sellwithsandy.com
333 SAND DOLLAR COVE

In this example, Sandy has omitted the firm's name from her profile name. Additionally, the firm's contact information has been omitted in favor of directing potential clients to her own website. A consumer viewing this post would have no way of knowing Sandy Shores is an agent with Ocean Top Properties, nor is the consumer provided with any contact information for Ocean Top Properties. This post would be considered noncompliant.

Team Advertising

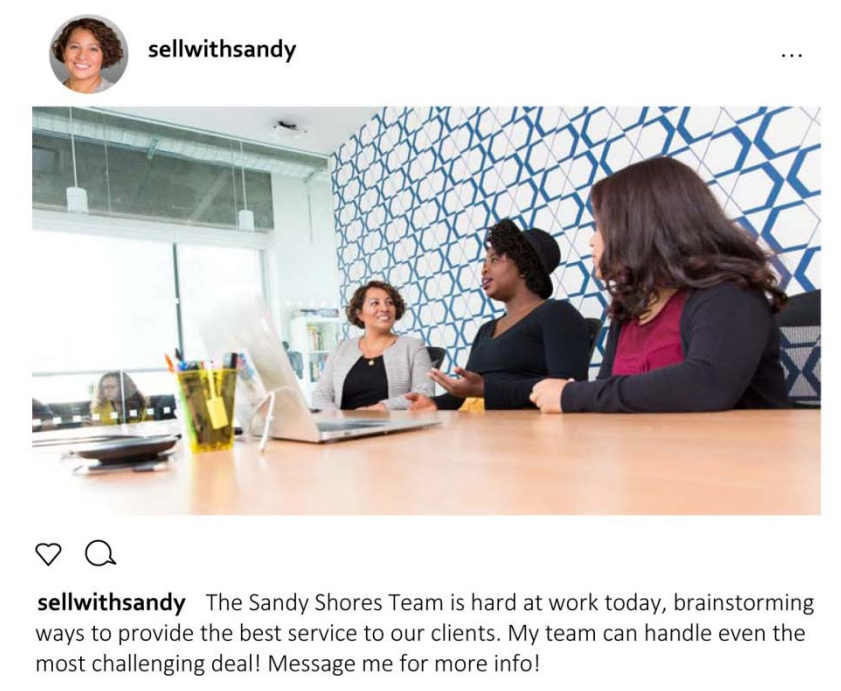
Within a real estate firm, several licensees often join together to form a team. While the Real Estate Commission does not recognize teams from a licensing perspective, there is no prohibition against advertising as a team. However, there must not be any confusion between the team name and the firm name. In any advertising, the firm name must appear clearly and prominently in relation to the name of the team.

As a rule, advertising as a team should include all of the required elements:

- The firm name should be both clear and prominent
- The team name must not be larger or more prominent than the brokerage name
- The advertisement should comply with all other rules for advertising, including contact information, etc.

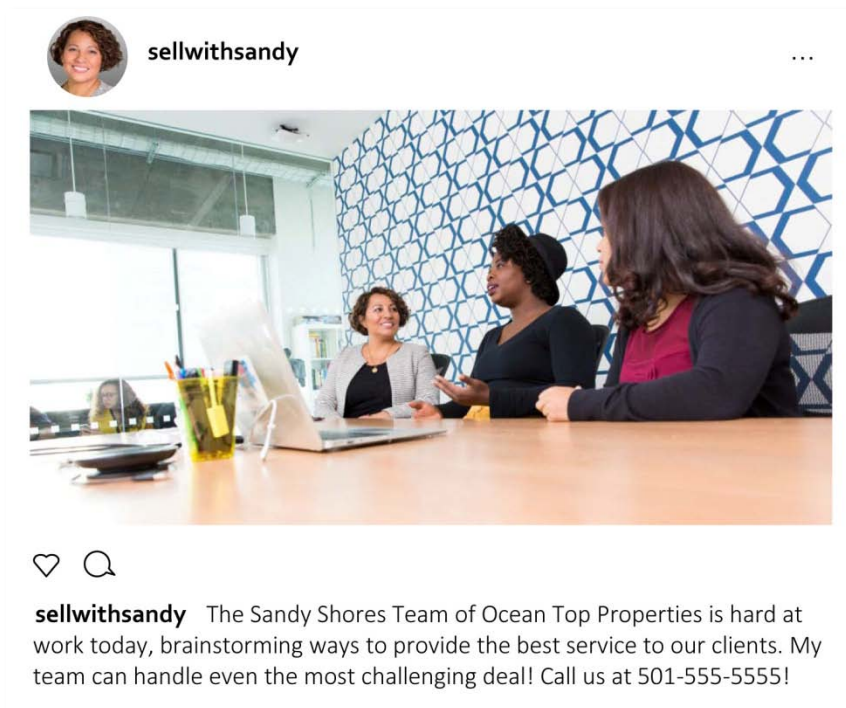
In team advertisements where the size of the team name is larger than the firm name, licensees run the risk of advertising in a misleading manner. A person viewing such an ad may miss the firm name entirely and think the team name *is* the firm name. To reiterate, when advertising as a team, there can be no confusion between the team name and the firm name.

Nevertheless, some agents may go so far as to completely eliminate their firm name from a team advertisement. Let's take a look at another social media post by Sandy Shores below.



In this post, Sandy is advertising the services of her team, which is perfectly allowable except for one very major detail: she has failed to include any of the required firm information.

Here's how Sandy could have posted a similar but compliant advertisement:



By identifying her firm and including her firm's contact information, Sandy's team post is now compliant.

Franchise Advertising

The franchise concept allows franchisees to take advantage of the franchiser's name, structure, advertising and general business experience. Franchisees may be required by contract to follow set guidelines, including rules about advertising. The degree of control a franchiser has over its franchisees may vary.

It is essential for a franchisee to make sure the requirements of the franchiser regarding advertising, if any, are consistent with Arkansas Real Estate License Law and Commission Rules. The rights and obligations contained in the franchise agreement can neither contradict nor supersede these rules.

The same applies to the franchisee/sub-franchisee relationship which exists in real estate brokerage.

Chapter 5

Advertising Properties

Commission Rule 8.5 Fidelity and honest dealing.

(b) A licensee shall not offer or advertise property without authority and in any offering or advertisement the price quoted must not be other than that agreed upon with the owners as the offering price.

Advertising Another Broker's Listings

Caution should be exercised when a listing firm authorizes another firm or licensee to advertise a property. In order to advertise another firm's listing, agents must have the permission of the Principal Broker of the listing firm. Principal Brokers may authorize agents licensed with their firm to relay that permission to cooperating firms. When advertising properties listed with another firm, the licensee posting the advertisement must ensure the name of the listing firm is clearly displayed in the advertisement. Every agent should ensure their own listings are clearly defined and should identify the listing firm for properties listed with another firm. In addition, a licensee authorized by another listing firm to advertise properties for sale by the other firm must clearly indicate in the ad that the listing is not the licensee's but rather that of the listing firm.

Advertising Unlisted Properties

An agent must be able to establish they have the property owner's permission to advertise any property that is not listed with a real estate firm. It is strongly advised that permission be in writing and maintained in the Principal Broker's transaction records.

Agent-Owned Properties

When a licensee is advertising their own property for sale or rent outside of a broker and in accordance with applicable Commission rules regarding self-dealing, the licensee must include in the advertisement that the owner is a licensed agent. The Commission has determined including the name of the broker's firm when a licensee is self-dealing could confuse consumers. Therefore, it is not necessary that the licensee include the firm name and contact information in this instance. However, just as a licensee cannot obscure their real estate firm name and contact information in an advertisement, licensees should ensure the "agent-owned" disclosure is clear and easily discernible.

Coming Soon!

The Commission's position on "Coming Soon" advertisements is twofold:

1. When advertising a property as "Coming Soon", a written listing agreement should be in effect between the seller and the Principal Broker of the listing firm.
2. If the showing of the property in question is limited for a time to only those buyers who would generate both sides of the commission to the listing firm, the seller should agree

to that condition in writing, acknowledging that they are informed their property will receive limited market exposure during that time frame.

Advertising Properties Online

The exact same rules that apply to all other types of property advertising apply online. There are just a few additional points that need to be addressed and followed.

- Keep information on websites and social media current.
- All licensees should ensure information distributed to the public or to other practitioners is verified in accordance with generally accepted practices so as to guarantee its accuracy. This obligation extends to continually updating content, including removing outdated information or content. For example, a Facebook post about a listed property should be updated as sold or removed when the property sells.
- The information contained on a firm's or licensee's website must always be up to date, regardless of who controls the site's content management system and hosting (i.e., licensee, franchise or Multiple Listing Service). The public and other practitioners must be able to rely on the accuracy of information such sites contain.
- If changes need to be made to information regarding a property featured on a website, changes should be made without delay. In this regard, if a firm publishes listings on a site operated by a third party and has no control over the speed with which the site is updated, the broker must ensure that the operator can process change requests promptly. As a licensee, you cannot exempt yourself from ensuring the accuracy of the information you distribute by placing the blame on the website service provider you selected.
- Special attention must be paid to the publication of information concerning the properties advertised by a licensee. Content that includes any mention of a property for sale should be removed from the website as soon as the transaction is completed or upon expiration of the contract, whichever comes first.
- Close attention must also be paid to the licensee information available on real estate firm websites. A broker must ensure that any licensees listed on the website are currently affiliated with the firm and hold active licenses in compliance with renewal and CE requirements. This can be especially problematic when an active salesperson does not renew his license by December 31st.

Hyperlinks FAQs

Can I post hyperlinks to other websites on social media or my firm's website?

Licensees can post links to other websites, but it should be clear to anyone viewing the website that clicking on a link will take them to a different website. This is especially important if a link leads to the website of an unlicensed person in a related profession (e.g., a lawyer or an appraiser), as this could lead the viewer to believe this person is authorized to perform brokerage activities.

Do I need to have permission to link to someone else's website?

Yes. If you wish to include links to other websites, you should obtain the website or content owner's permission to do so prior to posting the links.

Can I post deep links to secondary pages within a website, or should I only link to the site's homepage?

When posting links to another website, it is suggested that licensees ensure the link takes the viewer to the site's homepage rather than a secondary page within a website. Secondary pages may lack information needed for advertising compliance.

Can I post links to another firm's listings?

With permission from the listing firm's principal broker, yes. Also, if you wish to include links to another firm's online listings, you should make it clear to all viewing the listings that they are not your firm's listings. These links may lead to a secondary page rather than to the home page. It is important in such cases to clearly distinguish which listings belong to which firm or licensee and as well, to ensure there is no confusion over which website the viewer is on.

I want to provide links to area home inspectors and mortgage brokers' websites in my site's "Consumer Resources" section. Can I do this?

While you can provide links to websites of real estate-related services on your website, you must be clear that you are only providing the links for the convenience of viewers. It should be clear to viewers that you are providing neither a reference/recommendation nor a guarantee of the services or information accessible via the linked website. The Commission strongly recommends including a statement to the effect that the licensee has no control over the content of the sites accessible by clicking the links. If appropriate, the statement should specify there is no connection between the licensee and the owners of the other sites. Finally, it is also a best practice to specify the links do not represent an endorsement by the licensee of the quality or the reliability of the information, services or goods featured on these sites. The following statement is an example of how a licensee might follow this recommendation:

"By clicking on this link, you will be exiting the site operated by _____. The links contained on this site do not represent an endorsement or recommendation of the persons or services thus linked. _____ has no control over the content of the sites accessed by link and cannot guarantee the quality of the information contained therein."

Chapter 6

Conduct and Trade Practices

While advertising requirements and related practices for real estate brokerage activities are administered by the Commission under Arkansas Real Estate License Law and Commission Rules, licensees should also be aware the Consumer Protection Division of the Arkansas Attorney General's office enforces Deceptive Trades Practices. There are also federal laws and rules through the Federal Trade Commission and Department of Justice that prevent anti-competitive practices in the real estate marketplace. These laws and rules apply to regulatory agencies as well as industry members.

Real estate licensees must comply with the advertising standards defined in the Commission Rules as well as state and federal laws governing trade practices. Consequences for failure to comply with these standards can range from fines or restrictions for minor infractions to criminal or civil charges for major violations such as anti-competitive practices or misleading or fraudulent advertising.

False or misleading advertising

Advertising plays a key role in the real estate business because it influences the purchasing decisions of consumers. In real estate advertising, as in all of life, honesty truly is the best policy. It benefits the consumer and it safeguards the credibility of those engaged in the real estate profession. Conversely, misleading advertising can negatively affect consumers, real estate professionals and the integrity of the real estate industry.

The line between "innovative" advertising and misleading advertising can sometimes be razor-thin. The information below will hopefully clarify some of the advertising issues the Commission frequently encounters.

What is misleading advertising?

The Commission receives many complaints and examples of advertisements that are perceived as misleading. In determining whether or not an advertisement is false or misleading, the Commission considers both the literal message of the advertisement and the general impression it creates. An advertisement is considered misleading when it makes a representation or claim that is false or misleading in a material respect.

An advertisement may be considered misleading even if it is not demonstrated that a consumer was actually misled. It is only necessary to show that the advertisement is capable of misleading a reasonable consumer.

What puts the "mis" in misrepresentation?

A claim of being "the friendliest broker in town" is not misleading in a material respect even if the broker in question is actually quite cantankerous. The "friendliest" claim and others like it

are considered puffery or hyperbole; in other words, they are claims that are entirely subjective and can neither be proven nor disproved. The public generally understands that such statements (or exaggerations) are simply matters of opinion.

On the other hand, a statement such as: "We sell every home we list in 60 days or less!" is a material representation. Its truthfulness is not affected by opinion, and it is a statement that could have a direct impact on the seller's choice of listing agents. Claims of this nature must be able to be proven with accurate documentation. If licensees make any such material representation in advertising, they must be able to prove their claim. Failing to do so makes the claim a misrepresentation.

What can cause misleading advertising?

Negligence: If a licensee provides incorrect information by mistake (e.g., a data entry error in stating square footage or number of bedrooms), the licensee has made a negligent misrepresentation. Licensees must be diligent and proofread all advertisements before they are published.

Incompetence: Consider the licensee who very carefully measured a property's square footage but ultimately gets it wrong because he does not know how to properly calculate the square footage of irregular properties. Although the information provided by the licensee is incorrect and therefore a misrepresentation, the issue of the licensee's competence may also be addressed under the License Law and Commission Rules. A pattern of negligent misrepresentations by a licensee may demonstrate incompetence. Incompetence is conduct that can subject a licensee and his Supervising Broker to sanctions by the Commission.

Recklessness: A misleading claim may be the result of failing to follow proper procedures. For example, when determining the square footage of a property, a licensee may choose to obtain the information from a previous listing rather than actually measuring the property. As a practice, this is not only reckless but also a potential violation of the licensee's duty to deal honestly with the client while protecting and promoting the client's best interest. While the use of unverified information can occasionally be justified, such disclosure should always be made to the consumer. For example, "Seller states lot size is approximately 1.5 acres. Brokerage could not verify."

Intentional Misrepresentation: This representation is the most serious. Licensees found guilty of intentional misrepresentation can be subject to significant sanctions by the Commission and through the courts. Intentional misrepresentation is an intentional untrue statement. Examples are:

- A statement or claim made deliberately and with the intention of enticing a party to act. For example, a licensee tells potential buyers that Real Estate Commission rules require licensees to obtain a signed exclusive buyer representation agreement before the buyer can be shown any properties.
- The deliberate withholding of information known to be relevant to the transaction. For example, a licensee knows of or suspects a latent defect in a property and chooses not to disclose this information to a potential buyer.

Industry terms used in advertising:

Business verbiage used by licensees may be confusing to the public. For example, claims regarding the “listing commission” or the “selling commission” may unintentionally mislead the public. The consumer often does not realize that each of these terms refers to only a portion of the total commission payable. When using industry-specific terms in advertising, licensees must present the information in such a way that the general public will have a clear understanding of what the advertisement means.

Web addresses:

The domain name or email address for a real estate firm or a licensee must have a logical connection with the name under which he or she operates and be distinct from the domain names and email addresses of other brokerage firms and licensees.

ATTENTION: A Website address, even if it contains the complete name of the firm (www.oceantopproperties.ar for Ocean Top Properties) is not sufficient for firm name identification. Licensees must supply the complete firm name in an advertisement apart and separate from a firm name contained in a website address.

Chapter 7

License Status and Advertising

Advertising Without a Valid License

What happens with advertisements following the expiration, inactivation, suspension or revocation of a person's real estate license?

A licensee whose license is expired, inactive or otherwise no longer on active status must cease all advertising. The Real Estate License Law and Commission Rules allow only licensed individuals with an active license to perform brokerage activities in Arkansas. Advertising another person's property for sale with the expectation of compensation or valuable consideration is considered brokerage activity and therefore cannot be performed by any person who does not hold a valid, active Arkansas license.

A licensee who does not hold a valid active license must immediately:

- Cease all advertising in periodicals
- Cease all soliciting of clients by mail, email or phone
- Remove any advertising sign or other advertisement
- Remove all yard signs
- Cease all advertising on social media, websites and internet classifieds
- Remove all billboards on thoroughfares and highways
- Remove all ads on company or personal vehicles
- Remove all signs on buses, public benches, in arenas or other public places

As you can imagine, compliance in this area can be problematic for licensees and their Principal Brokers when the licensee fails to comply with CE requirements or renew their license by December 31st. Therefore, it is of utmost importance that licensees intending to remain actively engaged in the real estate field renew their licenses and submit their CE on time each year.

The Broker's Responsibility

The Principal Broker is responsible for ensuring the name of any licensee associated with their firm whose license is no longer active is removed from any and all advertisements. The broker must follow up with the licensee whose license has expired or has been inactivated to make sure all advertising is removed without delay and appoint a replacement to take over the brokerage contracts and activities of the person whose license is no longer active.

Appendix

General Advertising Checklist

The following is a sample guide for reviewing advertising to ensure it complies with Commission rules and best practices. A copy of this checklist and other resources can be found at www.arec.arkansas.gov.

- ☐ The name of the firm is shown as it is recorded with the Commission.
- ☐ The firm name is displayed in such a manner that it is conspicuous, discernible and easily identifiable by the public.
 - ☐ The firm name is displayed in prominence equal to or greater than the name of the licensee, team or DBA.
 - ☐ The firm name is in close proximity to the name of the licensee, team or DBA.

Of the following components, what contact information does the ad include? (At least one must be included.)

- ☐ Firm's main phone number
- ☐ Firm's physical address
- ☐ Firm's web address
- ☐ Principal Broker's name

- ☐ The licensee, team or DBA name is displayed in such a manner that it cannot be construed as a firm name.

Of the following elective components, what information does the ad include? No elective components can be greater in size or more visible than the brokerage firm name.

- ☐ Licensee name
- ☐ Team name
- ☐ Licensee email address
- ☐ Licensee website
- ☐ Licensee phone number

- ☐ Have you reviewed the prohibited components from this guide to ensure your ad does not contain any of these?

AREC Advertising Guidelines

- ❖ Advertising, including all forms of identification, representation, promotion and solicitation (signage, business cards, websites, television/radio advertising, and social media), disseminated in any manner and by any means of communication to the public for any purpose related to brokerage activities listed in A.C.A. §17-42-103(10) must be under the supervision of the Principal Broker or the Branch Office Designated Executive Broker.
- ❖ All Principal Brokers having licensees affiliated with their firms should develop and maintain an internal policy on advertising that complies with AREC advertising requirements.
- ❖ Principal Brokers are responsible for training all licensees affiliated with their firm to comply with Commission Rule 10.5 and their firm's internal advertising policy and should be able to demonstrate to the Commission that this training has been provided to and completed by all licensees affiliated with their firm.
- ❖ All advertising by licensees should include the firm's contact information, by which the public can directly communicate with the firm's Principal Broker or the Branch Office Designated Executive Broker. The firm's contact information may be:
 - ❖ the main phone number,
 - ❖ the physical address for each of the firm's office locations, or
 - ❖ the firm's main website address.
- ❖ The Principal Broker is responsible for determining the phone number to be considered the "main phone number" for each of the firm's office locations. This information should be included in the firm's internal advertising policy.
- ❖ Advertising may not include a licensee's name and telephone number or other contact information unless the real estate firm name and contact information are also clearly included and displayed as required.
- ❖ All advertising must include the real estate firm name as it is recorded with the Commission.
- ❖ In all forms of visual advertising, the real estate firm name should be displayed in a manner that is conspicuous, discernible and easily identifiable by the public.
- ❖ In live or recorded television, video or radio advertising, the real estate firm name should be disclosed in a manner that is conspicuous, discernible and easily identifiable by the public.
- ❖ In all advertising, the name of the real estate firm should be displayed in prominence equal to or greater than any included name of a licensee, team or DBA. The name of the real estate firm should be in close proximity to the licensee's name, team name or DBA.

- ❖ The name of the real estate firm may be embedded in a logo as long as the firm name is otherwise displayed as specified above.
- ❖ Team names, personal names and DBA names should not be displayed in such a manner that they can be construed as a real estate firm name.
- ❖ The real estate firm's information should meet the following standards in all forms of print media, yard signs, billboards, business cards, automobile signage, promotional items, etc. The firm's information should:
 - ❖ be in a type of the same optical size or larger than any agent or team name in the advertisement;
 - ❖ be as visible or more visible than any agent or team name in the advertisement;
 - ❖ not be obstructed more than any other content in the advertisement; and
 - ❖ contain the contact information as required above.
- ❖ The real estate firm's information should meet the following standards in all forms of online advertising and promotion.
 - ❖ In all social media advertising, the firm's name and information should:
 - ❖ be prominently displayed and in close proximity to the licensee's or team's information on the licensee's or team's profile or landing page; and
 - ❖ be prominently displayed and accessible within 'one click' or 'one tap' of any character-delimited post, section or page posted by or in the licensee's or team's account.
 - ❖ In all other online advertising and websites, the firm's name and contact information should:
 - ❖ appear on the home or landing page of the advertisement or website; and
 - ❖ be prominently displayed and in close proximity to the licensee's or team's information.
- ❖ Licensees or teams may maintain websites that have been approved by the Principal Broker or Branch Office Designated Executive Broker. Every viewable page of licensee or team websites should include the information specified above.
- ❖ When a licensee is advertising their own property for sale or rent outside of a broker and in accordance with applicable Commission rules regarding self-dealing, the licensee must include in the advertisement that the owner is a licensed agent.
- ❖ The following deadlines are strongly recommended for establishing compliance with the above guidelines:
 - ❖ December 31, 2020 – all advertising and promotion utilizing signs, billboards, print media, business cards, etc.
 - ❖ December 31, 2019 – all live or recorded television, video or radio advertising and online advertising and promotion.
 - ❖ December 31, 2019 – all other forms of advertising
 - ❖ December 31, 2019 – development of and training licensees on Principal Broker's internal firm policy and all other advertising.

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**For additional resources visit:
www.arec.arkansas.gov**