

Advertising Best Practices Guide

JULY 2025



ARKANSAS REAL ESTATE COMMISSION
612 South Summit Street
Little Rock, AR 72201



A Note from the Executive Director

In the competitive world of real estate, advertising plays a critical role in connecting buyers with properties and helping sellers gain visibility. However, real estate advertising is not a free-for-all; it is governed by a strict set of regulations designed to protect consumers, ensure fair competition, and maintain ethical standards. Whether you're a salesperson licensee or a broker, understanding these rules is essential to avoiding legal pitfalls and building trust with clients. This guide is intended to assist licensees in achieving and maintaining compliance.

Why Real Estate Advertising Is Regulated

The real estate industry involves high-stakes financial transactions, making truthfulness and transparency crucial. Misleading or deceptive advertising can result in significant financial loss or legal trouble for consumers. Regulatory oversight ensures:

- Accuracy of information
- Fair competition among agents
- Consumer protection
- Compliance with broader advertising and fair housing laws

Best Practices for Compliance

- **Stay informed:** Keep up with federal, state, and local guidelines.
- **Review materials carefully:** Always proofread ads for accuracy and compliance.
- **Use disclaimers:** If space is limited, add clear disclaimers or links to full disclosures.
- **Train your team:** Ensure everyone involved in marketing understands the rules.

Real estate advertising is a powerful tool — but with great power comes the responsibility to follow the rules. By understanding and adhering to advertising regulations, agents not only avoid penalties but also foster greater trust and credibility with clients. Ethical and compliant advertising is not just a legal requirement — it's a business imperative.



Melissa L. Goff
Executive Director, Arkansas Real Estate Commission

Table of Contents

Introduction	Page 4
An Overview: AREC Advertising Rules	Page 6
Chapter 1: Advertising Basics	Page 8
<ul style="list-style-type: none">• Advertising and Marketing Categories• Firm and Agent Promotion• Property Advertising• Broker Supervision• Best Practices	
Chapter 2: Firm Name and Affiliation	Page 10
<ul style="list-style-type: none">• Regulatory Aspects of Firm Name Selection• Exact Firm Name Only• Primary Contact Information• Addressing External Influences	
Chapter 3: Basic Compliance	Page 12
<ul style="list-style-type: none">• Firm Name is Primary• Keep Secondary Information Secondary	
Chapter 4: Advertising Best Practices	Page 13
<ul style="list-style-type: none">• Business Cards• Periodicals, Newspapers, and Magazines• Yard Signs• Signs on Billboards, Buses, Benches, etc.• Audio and Video• Online and Social Media Guidelines• Internet Advertisements• Team Advertising• Franchise Advertising	
Chapter 5: Advertising Properties	Page 28
<ul style="list-style-type: none">• Commission Rule 8.5: Fidelity and Honest Dealing• Advertising Another Broker's Listings• Advertising Unlisted Properties• Agent-Owned Properties• Coming Soon!• Advertising Properties Online• Hyperlinks: FAQs	
Chapter 6: Conduct and Trade Practices	Page 32
<ul style="list-style-type: none">• False or Misleading Advertising• What is Misleading Advertising?• What Can Cause Misleading Advertising?• Types of Misleading Advertising• Industry Terms Used in Advertising• Web Addresses	
Chapter 7: License Status and Advertising	Page 35
<ul style="list-style-type: none">• Advertising without a Valid License• The Broker's Responsibility	
Appendices	Page 36
<ul style="list-style-type: none">• Arkansas Real Estate License Law & Commission Rules Quick Reference• References	

Introduction

First Why, Then How

With this Advertising Best Practices Guide, the Arkansas Real Estate Commission (AREC) has provided both high-level and detailed information on what is required for real estate advertising in our state. Here, you will find point-by-point analyses of what is – and what is not – considered compliant, and why. Often when we understand the *why*, we can more fully grasp the *how*.

Consumer protection is the *why* behind everything the Commission does. 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.

Another 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, consumers can only avail themselves of that representation if they know 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.

This can also cause problems with other licensees: If the firm's information is obscured in an advertisement, other real estate agents may have difficulty identifying and reaching the listing firm to discuss a listed property. It's safe to assume that if another licensee can't identify a 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 their seller, they are potentially impeding another licensee's ability to meet that same duty to their buyer.

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.

This guide was developed to explain and illustrate ways to produce advertising that is compliant with both Arkansas Law and AREC Rules. It is offered to proactively assist licensees avoid 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 great cost – of time, money, and reputation – to the licensee involved.

Enhancing Professionalism and Consumer Protection

The Commission regulates real estate advertising to:

- Protect the public by making sure advertisements clearly indicate where, how, and with which firm agents are licensed;
- Emphasize a high standard of professionalism for real estate brokers and salespersons;
- Help agents avoid vague, misleading, and deceptive advertising by balancing the legal demands of agency representation with the licensee's need for self-promotion and business development; and
- Provide supervising brokers the tools and leverage they need to manage licensees who report to them.



The Supervising Broker is Ultimately Responsible

Throughout this Guide, “Supervising Brokers” will refer to Principal Brokers or Designated Executive Brokers over a branch office. 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

While this guide does not contain the answer to every conceivable advertising question, it does provide the context and parameters for licensees to develop a system of best practices for advertising correctly and avoiding violations.

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 on the front end than send a formal notice to appear before the Commission after trying – and possibly failing – to navigate problematic scenarios.

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

AREC Investigations Department
Deondra Gupton, Senior Investigator
Heather Henries, Deputy Director

arec.investigation@arkansas.gov
deondra.gupton@arkansas.gov
heather.henries@arkansas.gov

An Overview: AREC Advertising Rules

The Arkansas Real Estate Commission's (AREC) advertising rules, built to follow state law, are designed to protect the public from false, misleading, or otherwise inappropriate real estate advertising.

The summary table below provides at-a-glance information for understanding the broad strokes of Arkansas real estate advertising law and the context within which the more specific topics of this guide are arranged.

1 Role of the Broker	<p>All advertising activities must be supervised by the Principal Broker or the Branch Office Designated Executive Broker.</p> <p>All Principal Brokers having licensees affiliated with their firms should develop and maintain an internal policy on advertising that complies with AREC advertising requirements.</p> <p>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. They should be able to demonstrate to the Commission that this training has been provided to and completed by all licensees affiliated with their firm.</p>
2 Use of the Firm Name	<p>All advertising must include the real estate firm name as it is recorded with the Commission.</p> <p>In all forms of visual advertising, as well as live or recorded television, the real estate firm name should be displayed in a manner that is conspicuous, discernible, and easily identifiable by the public.</p> <p>Advertising may not include a licensee's name, telephone number, or other contact information unless the real estate firm name and contact information are also clearly included and displayed.</p> <p>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.</p> <p>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.</p>
3 Team Names and DBAs	<p>Team names, personal names, and DBA names should not be displayed in such a manner that they could be construed as a real estate firm name.</p>

<p>4 Firm Contact Information</p>	<p>All advertising by licensees should include the firm's contact information, by which the public may directly communicate with the firm's Principal Broker or the Branch Office Designated Executive Broker.</p> <p>The firm's contact information may be:</p> <ul style="list-style-type: none"> • the main phone number, • the physical address for each of the firm's office locations, and/or • the firm's main website address. <p>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.</p>
<p>5 Advertising Standards</p>	<p>In all forms of print media (yard signs, billboards, business cards, bumper stickers, etc.), the real estate firm's information should:</p> <ul style="list-style-type: none"> • be the same 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 noted above. <p>In all forms of online advertising and promotion, including social media advertising, the firm's name and information should:</p> <ul style="list-style-type: none"> • 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. <p>On all websites, the firm's name and contact information should:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
<p>6 Self-Dealing</p>	<p>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.</p>

The essence of the law is truthfulness and transparency: Real estate salespersons and brokers should work with the public's interests in mind as they go about the business of assisting others buy and sell properties. Starting with Chapter One, Advertising Basics, a more detailed and exploratory discussion is offered on the concepts covered in the overview table. References are provided at the end of this guide for those who wish to further explore the sources and standards by which ads are governed.

CHAPTER ONE

ADVERTISING BASICS

Advertising:

- 1) Includes all forms of identification, representation, promotion, and solicitation;
 - a. Signs, billboards, business cards, websites, television/radio advertising, social media, and so on
- 2) Disseminated in any manner and by any means of communication to the public;
- 3) For any purpose related to brokerage activities listed in A.C.A. § 17-42-103(10).

Advertising and Marketing Categories

Real estate advertising typically falls into one of two categories:

- a) Firm and Agent Promotion; or
- b) 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 itself and the services they offer.

This type of advertising should include information about the Principal Broker or the firm with which an agent is licensed. This applies to both agents and teams associated with a firm.



Property Advertising

This category concerns the advertising of properties that are listed with a Principal Broker's firm. The focus is on properties for sale or lease.

To advertise a property, brokers and salespeople must have the seller's or lessor's written permission. Generally, this means there should be a brokerage contract or permission-to-show document signed by the property owner/seller.

Broker Supervision

All licensees conduct brokerage activities in one of two ways: either as persons authorized to act on their broker's behalf (as independent contractors) or as employees of their Supervising Brokers. As such, Supervising Brokers are responsible for overseeing the advertising of those agents. Supervising Brokers must ensure that their own advertising and any advertising done on their behalf (via those they supervise) complies with the Commission's requirements. Liability for misleading or deceptive advertising by Salespersons and Associate Brokers flows directly to the Supervising Brokers under whom those persons are licensed (**A.C.A. § 17-42-316**).



Although brokers are responsible for the actions of licensees under their supervision, all licensees must know the requirements regarding advertising, as they are individually responsible for abiding by those rules.

Best Practices

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 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 TWO

FIRM NAME AND AFFILIATION

Choosing a Firm Name

Regulatory Aspects of Firm Name Selection

Principal Brokers must have their firm names approved by the Arkansas Real Estate Commission. The Commission works to ensure that a requested firm name is not misleading, overly similar to the name of another firm, or in any way confusing to consumers.

When licensees fail to use the exact firm name approved for their Principal Broker, it diminishes the efforts of the Principal Broker and the AREC to avoid advertising and marketing activities that can be confusing to consumers.

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 that consumers cannot recognize the firm as being engaged in real estate brokerage. However, the name should not be so specific as to limit the types 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 and Firm Names

Exact Firm Name Only

Principal Brokers and agents licensed under them can only perform brokerage activities under their firm name as it appears on their real estate license. Everyone’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, physical address for each of the firm’s office locations, or website. 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

Misleading advertising in the real estate profession has significantly increased. In recent years, the industry’s internal focus has shifted from the traditional broker-to-salesperson hierarchy into one with a more individual- and team-focused branding. This has led to increasing non-compliance with Arkansas real estate advertising law.

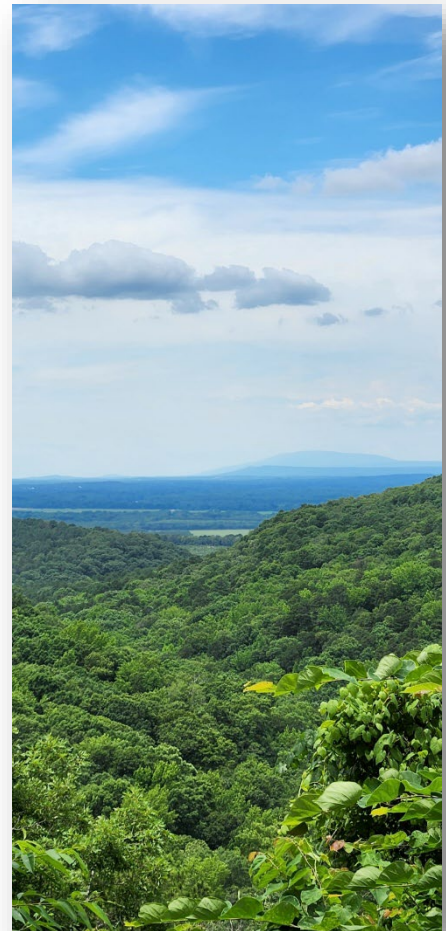
Advertising requirements or permissions of national franchises or other organizations do not override or replace the advertising requirements set out in Commission Rules. Such requirements that conflict with Commission Rules will not be recognized for compliance purposes in the advertising and marketing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

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.

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 THREE

BASIC COMPLIANCE

A number of factors and circumstances affect the determination of compliance with Arkansas real estate advertising law.

Firm Name is Primary

Principal Brokers and licensees with their firms shall not advertise or conduct business under any name other than the one that appears on the Principal Broker's 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 should include contact information by which the public can directly communicate with the real estate firm's Principal Broker or the branch office's Designated Executive Broker.

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

Keep Secondary Information Secondary

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

Advertising may not include a licensee's name, 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.

Summarily, the firm name should appear in all advertising and be accompanied by:

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

Team names, personal names, and DBA names should not be displayed in a manner that could 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 FOUR

ADVERTISING BEST PRACTICES

The following best practices provide an outline for compliant advertising.

Required components should be included in a conspicuous and discernable manner, easily identifiable by the public.	<ul style="list-style-type: none">• Real estate firm name• Main office telephone number, physical address, firm's web address, or Principal Broker's name
Elective components can be in close proximity to the firm name but not larger or more visible than the firm name.	<ul style="list-style-type: none">• Licensee's name• Team name• Licensee's phone number• Email addresses• Website addresses
Prohibited components cannot be used.	<ul style="list-style-type: none">• Firm name abbreviations or alterations• Team names, personal names, or DBAs that could be construed as a firm name• Language confusingly similar to that of another firm, team, or license• Indications that a property is for sale by owner (FSBO) when it's not
Print media advertising should meet all criteria regarding use of the firm's name and information.	<p>The firm's information should:</p> <ul style="list-style-type: none">• Appear the same size or larger than any agent's or team's name in the same advertisement;• Be as visible or more visible than any agent's or team's name in the same advertisement;• Not be obstructed by any other content in the advertisement; and• Contain the primary contact information.

Meet Sandy

Our fictitious sales agent, Sandy Shores, is affiliated with Ocean Top Properties and is part of a sales team within the brokerage. Her contact info, as well as the firm's, is shown below for comparing the compliant and non-compliant advertising examples discussed in this guide.

	Firm	Agent
Name	Ocean Top Properties	Sandy Shores
Phone	(501) 555-5555	(501) 555-5556
Website	www.otp.com	www.sellwithsandy.com

Business Cards

The firm name that appears on the business card should be exactly the same as what appears on the firm's license. The firm's name should not be abbreviated or changed in any way. The example on this page shows an AREC-issued license, a salesperson's pocket card, and the salesperson's business card that meets the advertising requirements.



✓ COMPLIANT



Using the same sample firm name and information, the business card shown below is **non-compliant** because:


- ☒ the firm's name and contact information are not obvious;
- ☒ the agent's personal website is listed, but not the firm's;
- ☒ the firm's name is in a lighter-colored font and a smaller font size than that of the agent; and
- ☒ the firm's information and agent information are distant from one another.



X NON-COMPLIANT

Periodicals, Newspapers, and Magazines


The following examples show print advertisements that are compliant with Commission Rules.

West Little Rock REAL ESTATE	Farmhouse/Acreage REAL ESTATE	Downtown NLR REAL ESTATE	Vacant Land REAL ESTATE
<p>OCEAN TOP PROPERTIES</p>  <p>14 Hemingway. Beautiful split-level. 4BR, 2BA, bonus room. Many upgrades including windows, floors. Won't last. \$349,900.</p> <p>Call Sandy Shores at 555-5555 www.otp.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. \$423,900</p> <p>Jim Smith 555-9876</p> <p>Farm Life Properties 123 Hickory Lane Oakley, AR</p> <div> <p><i>Farm Life Properties</i></p> </div>	<div> <p>Rogers Realty</p> </div> <p>Upgraded 3BR craftsman in Argenta Historic District. Renovations too numerous to list. Cozy neighborhood feel close to downtown LR/NLR action.</p> <p>\$310,000.</p> <p>Jane Adams 555-3698 www.rogersrealty.com</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, Principal Broker 555-3456 Rural Land Sales Inc.</p>

✓ COMPLIANT

The following example of **non-compliant** print advertising contains numerous issues.

X NON-COMPLIANT

West Little Rock REAL ESTATE	Farmhouse/Acreage REAL ESTATE	Downtown NLR REAL ESTATE	Vacant Land REAL ESTATE
14 Hemingway. Beautiful split-level. 4BR, 2BA, bonus room. Many upgrades including windows, floors. Won't last. \$349,900. CALL SANDY SHORES! 555-5556 sellwithsandy.com	Spacious, warm, bright farmhouse on 5 acres. Miles of nature trails nearby. Finished barn with studio loft for in-laws or college student. \$423,900 Call Jim Smith to schedule showing. 555-JIMS or jim@jimsmithprops.com	Upgraded 3BR craftsman in Argenta Historic District. Renovations too numerous to list. Cozy neighborhood feel close to downtown LR/NLR action. \$310,000. Jane Adams 555-1234 	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. Bob Jones, Broker Text "Show me the 20" to 555-7777

The advertisements are in violation of AREC rules because:

- ☒ None of the boxes contain the firm's name or contact info. In each instance, the agent's name and contact information are listed without the name of the firm being connected, as required by **Commission Rule 10.5 c**; and
- ☒ The firm's name is not visible within the logo at the bottom of box 3.

Yard Signs

Below are two examples of a salesperson's yard sign; the one on the left is compliant while the one on the right is not.



Compliant

- ✓ Firm name is visible
- ✓ Firm's contact information is listed
- ✓ Viewable from yard



Non-Compliant

- ☒ Firm's name is smaller than the agent's
- ☒ Firm's contact information is missing
- ☒ Placement of the firm's name is difficult to view on a yard sign

Signs on Billboards, Buses, Benches, Etc.

In addition to complying with Real Estate License Law and Commission Rules, signs should also be in compliance with specific laws, ordinances, and zoning regulations **(10.5)**. Licensees should verify local requirements, condominium and homeowners' association bylaws, apartment rules, roadside advertising rules, and sign placement rules in common areas and on roadways.



Compliant



Non-Compliant

Audio and Video

In both live and pre-recorded television, video, or radio advertisements, the name of the Arkansas real estate firm must be clearly stated in a way that is noticeable, understandable, and easily recognizable to the public. There are several acceptable ways to meet this requirement across different media formats. Below are two examples specifically related to radio advertising: The first is compliant while the second is not.

Compliant radio advertisement:

"Looking for your next dream home? Call Sandy Shores with Ocean Top Properties. Sandy has 20 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."

Non-compliant radio advertisement:

"Looking for your next dream home? Call Sandy Shores at (501) 555-5556. Sandy has 20 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."

The first **IS** compliant because the firm's name is mentioned prominently in conjunction with the name of the agent.

The second is **NOT COMPLIANT** because the firm's name is never mentioned; the agent lists her personal phone number; and the agent lists her personal website address.

Online and Social Media Guidelines

In 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 with one click or one tap of any post, section, or page posted by or in the licensee's or team's account.

In all other online advertising and on 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.

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.

*...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 offers a wide range of opportunities to connect with the public — and just as many ways to meet the Commission's advertising requirements. Each account typically includes two types of content: **static content**, such as your username, profile photo, and bio, which generally stay the same over time; and **dynamic content**, like posts, images, and videos, which change frequently and vary in how they're displayed based on the platform, device, and operating system.

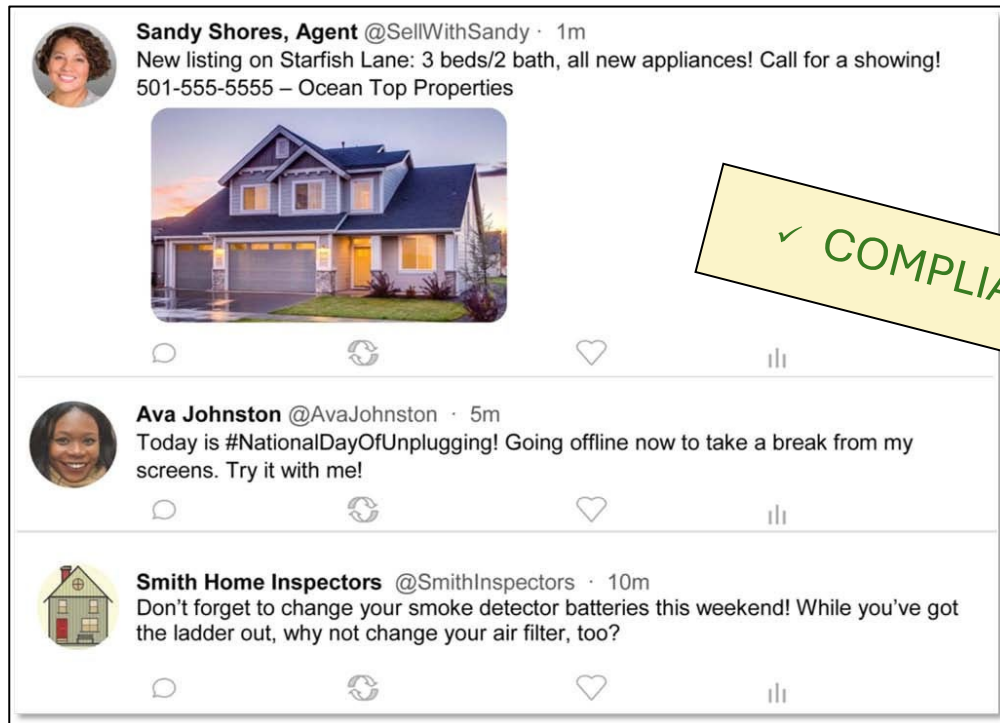
A smart and effective way to stay compliant with advertising rules is to use static content strategically. Let's explore how Sandy Shores utilizes the static elements of her social media profile to meet these requirements.

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.



✓ COMPLIANT

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 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 shown in this example, 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 its contact info in the post itself.

When sharing information about another firm's listing, permission must be obtained from the listing broker and the seller. Additionally, the listing firm's information must be prominently displayed.

Team Advertising

Within a real estate firm, several licensees often 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's name and the firm's name. In any advertising, the firm's name must appear clearly and prominently in relation to the name of the team.

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

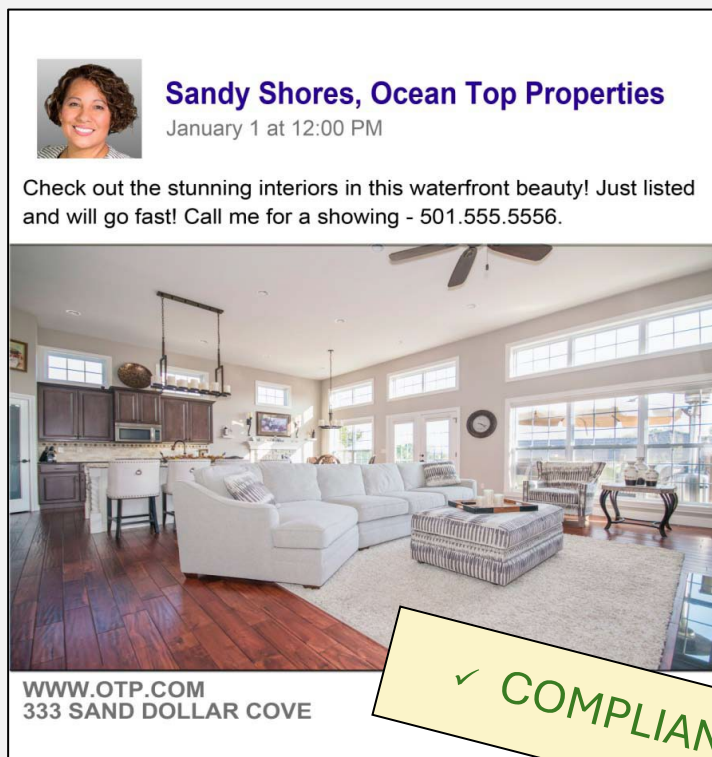
- The firm's name should be both clear and prominent;
- The team's name must not be larger or more prominent than the firm's name; and
- The advertisement should comply with all other rules for advertising, including contact information, etc.

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

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

This example highlights one of Sandy's individual social media posts. She has structured the static elements of her profile so that her name appears alongside her firm's name. Additionally, she has included the firm's contact information — in this case, the firm's website address — within the post itself.

As a result, this post would be considered compliant.



A screenshot of a social media post. At the top left is a profile picture of a woman. To its right, the text reads "Sandy Shores, Ocean Top Properties" in a bold, purple font, followed by "January 1 at 12:00 PM" in a smaller, grey font. Below this is a paragraph of text: "Check out the stunning interiors in this waterfront beauty! Just listed and will go fast! Call me for a showing - 501.555.5556." Underneath the text is a large, bright photograph of a modern living room with white furniture, large windows, and a wooden floor. At the bottom of the post, the text "WWW.OTP.COM" and "333 SAND DOLLAR COVE" is displayed in a grey font. A yellow banner with a green checkmark and the word "COMPLIANT" in green capital letters is overlaid on the bottom right corner of the post.

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

✓ COMPLIANT

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

X NON-COMPLIANT



sellwithsandy

...



sellwithsandy The Sandy Shores Team is hard at work today, brainstorming ways to provide the best service to our clients. My team can handle even the most challenging deal! Message me for more info!

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 Arkansas Real Estate License Law or Commission Rules. The same applies to the franchisee/sub-franchisee relationship which exists in real estate brokerage:

- Franchise agreements **cannot contradict** Arkansas Real Estate Laws or Arkansas Real Estate Commission (AREC) Rules, regardless of what is contractually required.
- The franchiser's control over advertising may vary but that does **not** exempt the franchisee from legal responsibility.
- Franchisees must verify that all franchise-imposed advertising rules comply with Arkansas Real Estate Laws and Commission Rules.

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.

CHAPTER FIVE

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

In order to advertise another firm's listing, agents must have the permission of the Principal Broker of the listing firm and that of the seller. 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 these instances, the agent 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 brokerage 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 that consumers could be confused if a licensee is self-dealing but still includes the name of their broker when advertising their own property for sale. 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 two-fold:

- 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 timeframe.

Advertising Properties Online

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

1. Keep information on websites and social media current.
 - a. All licensees should ensure that information distributed to the public or other practitioners is both timely and accurate. This obligation extends to continually updating the content, including the removal of outdated information or content. For example, a Facebook post about a listed property should be updated as sold or removed when the property sells.
 - b. 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 complete or upon expiration of the contract, whichever comes first.
2. 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 that such sites contain.
 - a. 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.
3. Brokers 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 their 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 the information needed for advertising compliance.

➤ **Can I post links to another firm's listings?**

With permission from the listing firm's principal broker and the seller, yes, you may do so. You should make it clear that they are not your firm's listings. These links may lead to a secondary page rather than the home page. It is important in such cases to clearly distinguish which listings belong to which firm or licensee; it is also important to ensure there is no confusion over which website the viewer is on.

Pro Tips for Online Advertising

- ✓ Make sure you are able to quickly update your website so that when properties sell, you can change the listing right away.
- ✓ Get permission to link to others' websites and make it clear to the public that the links lead to sites you don't own or have control over.

➤ **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 the 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 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 those 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 SIX

Conduct and Trade Practices

In addition to Arkansas laws and Commission Rules, licensees should know that the Consumer Protection Division of the Arkansas Attorney General's office enforces laws against deceptive trade 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 the state and federal laws governing trade practices. Consequences for failure to do so can range from fines and restrictions for minor infractions to civil and/or criminal 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 safeguards the credibility of those engaged in the real estate profession.

Conversely, misleading ads can negatively affect consumers, real estate professionals, and the industry's image. The distinction between "innovative" advertising and misleading advertising can be made clear by applying the concepts outlined below.

What is Misleading Advertising?

Misleading advertising refers to ads that make false or deceptive claims, either directly or through the overall impression they create. The key standard is whether

the ad could mislead a reasonable consumer — not whether someone was actually misled. The Commission evaluates both the literal content and the general impression of the ad to determine whether it's materially misleading.

Literal accuracy and context matter

Ensure that all claims in your advertisement are factually correct and not misleading when taken in context. For example, don't say a product is "clinically proven" unless there is reliable scientific evidence to support that claim.

Consider the general impression

Even if each individual statement is technically true, the overall message should not create a misleading impression. For instance, showing dramatic weight loss results without disclosing that results aren't typical could be considered misleading.

What Can Cause Misleading Advertising?

A misrepresentation occurs when a claim in advertising is objectively false or misleading in a material way — that is, it could influence a consumer's decision. Subjective statements like, "the friendliest broker in town" are considered puffery and are generally acceptable because they're opinions, not facts. However, factual claims — like guaranteeing home sales within a specific timeframe — must be provable. If such claims can't be backed with evidence, they are considered misrepresentations.

Acceptable puffery

Saying, "We're the best in the business" is fine. It's a subjective opinion that people understand is marketing fluff.

Avoid unverifiable claims

Claiming "100% of our homes sell within 60 days" requires documentation. If you can't prove it, don't say it — otherwise, it's a misrepresentation.

PLEASE KNOW:

A WEBSITE ADDRESS IS NOT SUFFICIENT FOR FIRM NAME IDENTIFICATION, EVEN IF IT CONTAINS THE COMPLETE NAME OF THE FIRM (I.E., WWW.OCEANTOPPROPERTIES.AR FOR OCEAN TOP PROPERTIES).

LICENSEES MUST INCLUDE THE ENTIRE NAME OF THE FIRM IN AN ADVERTISEMENT, SEPARATE AND APART FROM A FIRM NAME CONTAINED IN A WEBSITE ADDRESS.

Types of Misleading Advertising

These categories range from careless mistakes to deliberate deception, with increasing levels of responsibility and potential penalties (**A.C.A § 17-42-311**).

Negligence
Definition: Providing false information by mistake, due to lack of care. Example: Incorrectly listing the square footage or number of bedrooms due to a typo or failure to proofread.
Incompetence
Definition: Providing incorrect information because of a lack of necessary skill or knowledge. Example: Miscalculating square footage due to not knowing how to measure irregular shapes.
Recklessness
Definition: Ignoring proper procedures or due diligence. Example: Using outdated or unverified data from a previous listing without proper disclosure (e.g., relying on seller's estimate without confirming).
Intentional Misrepresentation
Definition: Knowingly making false statements or hiding important facts to mislead. Examples: <ul style="list-style-type: none">• Falsely claiming that it is the law that a buyer must sign a contract before viewing homes.• Hiding known property defects from a 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.

CHAPTER SEVEN

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 Arkansas 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 with the inactive person's information on it
- 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 and public benches, in arenas, and elsewhere

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 removing the names of non-active licensees from any and all advertisements, websites, and other materials. The broker must follow up with those persons to make sure all advertising is immediately removed and that a replacement has been appointed to take over their brokerage contracts and activities.

Arkansas Real Estate License Law & Commission Rules

Quick Reference

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

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.

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.

8.5 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).

(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.

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)(1) 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.

REFERENCES

1. AdAlert Reporting Site. Department of Labor and Licensing, Arkansas Real Estate Commission. Little Rock, AR. July 2025. Available at: <https://arec.arkansas.gov/> and <https://bit.ly/ARECAdAlert>. Accessed June 20, 2025.
2. Arkansas Attorney General, Consumer Protection Division. Little Rock, AR. Available at: <https://arkansasag.gov/divisions/public-protection/consumer-protection/>. Accessed June 20, 2025.
3. *Federal Trade Commission Act Section 5: Unfair or Deceptive Acts or Practices*. Federal Trade Commission. Washington, DC. Available at: <https://www.federalreserve.gov/boarddocs/supmanual/cch/200806/ftca.pdf>. Accessed June 20, 2025.
4. *Justice Department Launches Anticompetitive Regulations Task Force*. Department of Justice. Washington, DC. Available at: <https://www.justice.gov/opa/pr/justice-department-launches-anticompetitive-regulations-task-force>. Accessed June 20, 2025.
5. *Real Estate License Law Time-Share Law*. Department of Labor and Licensing, Arkansas Real Estate Commission. Little Rock, AR. August 2024. Available at: <https://arec.arkansas.gov/>. Accessed June 20, 2025.
6. *Real Estate Regulations Time-Share Regulations and Federal Fair Housing Summary*. Department of Labor and Licensing, Arkansas Real Estate Commission. Little Rock, AR. April 2024. Available at: <https://arec.arkansas.gov/>. Accessed June 20, 2025.

Published and produced by the

**Arkansas Real Estate Commission
612 South Summit Street
Little Rock, Arkansas 72201**

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