



# TRAINING TIP OF THE WEEK

## OMITTING BROKERAGE INFO when advertising in print or online.

During the past few weeks, the Association office has seen an increase in advertising violations, specifically related to the agent's information. Most often, we see either:

1. Agent fails to include their brokerage information
2. Team only identifies their team name, and not that of the brokerage

Let's take a close look at the Division of Real Estate's rule regarding advertising.

**Utah Administrative Code R162-2f-401h** (requirements & restrictions in advertising) states:

(1) Except as provided for in subsections (2) and (3), a licensee shall not advertise or permit any person employed by or affiliated with the licensee to advertise real estate services or property in any medium without **clearly and conspicuously identifying in the advertisement the name of the brokerage with which the licensee is affiliated.**

(2) When it is not reasonable for a licensee to identify the name of the brokerage in an electronic advertisement, the licensee shall ensure the electronic advertisement directly links to a display that clearly and conspicuously identifies the name of the brokerage.

(3) A licensee is not required to identify the name of the brokerage with which the licensee is affiliated if:  
(a) the licensee advertises a property not currently listed with the brokerage with which the licensee is affiliated;  
(b) the licensee has an ownership interest in the property; and  
(c) the advertisement identifies the name of the individual licensee as "owner-agent" or "owner-broker."

This includes, but is not limited to real estate signs, printed ads, social media pages, etc. The Division of Real Estate fine policy starts at \$150 for a first offense, increasing with additional offenses. Let's review a recent violation of this administrative code and the fine associated with it.

*St. George, Utah. In an order dated May 26, 2020, the Commission found that **AGENT** advertised his real estate services without identifying his brokerage anywhere in the advertising. The deficient advertisement was the third violation by **AGENT** of the administrative rule requiring identification of the brokerage in advertising despite a warning letter to **AGENT** on the first violation and a citation issued to him for the second violation. In a separate matter, the Commission found that **AGENT** violated Utah law when he made a substantial misrepresentation in an MLS listing. The Commission assessed a total civil penalty of \$3,500, including \$2,500 for the third advertising violation and \$1,000 for the misrepresentation in the MLS listing. Case numbers RE-18-101462 and RE-18-104312 and docket number RE-2020-009*

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TIPS OFFERED BY THE CACHE VALLEY ASSOCIATION OF REALTORS® ARE INTENDED FOR BROKER AND AGENT TRAINING. IN THE EVENT ADDITIONAL LEGAL ADVICE IS NEEDED, WE ENCOURAGE MEMBERS TO CONTACT THE UAR LEGAL HOTLINE AT (801) 676-5211 MONDAY, WEDNESDAY AND FRIDAY BETWEEN THE HOURS OF 8:30 AM AND 4:00 PM.

