



TRAINING TIP OF THE WEEK

Social Media Posts That Get You in Trouble

It's often misunderstood how the Code of Ethics extends to how you conduct yourself online. What you wouldn't say or do in front of someone, you also shouldn't do on social media and other online platforms. In general, any guideline for offline behavior applies to online as well. But real estate professionals often let their guard down online, making the mistake of treating their communications on social media as casual conversation and forgetting that there are guidelines to uphold in that space as well.

Here are some common hazards that get professionals into trouble:

1. Venting about another agent. This is a common subject to come up in relation to the Code, says Katherine Lawton, NAR's manager of Professional Standards and Administration. It's not smart to air your frustrations about a colleague online because it could violate Article 15, which prohibits REALTORS® from making false or misleading statements about other real estate professionals related to transactions or business practices. You can also get into trouble in blog comments by suggesting another agent's client take a negative action against that agent, D'Agosta warns. For example, responding to a frustrated seller by saying "Fire your listing agent and I'll help you" can easily become an ethics violation.

2. Sharing another agent's listing. Retweeting or sharing another agent's listing on your own social media timeline could constitute an improper advertisement of their listing. This commonly happens when agents visit an open house and, after leaving, post about it on their feeds. You cannot engage in any practice that is inconsistent with exclusive-representation agreements that practitioners have with their clients, states Article 16. Lawton recommends getting the listing agent's permission — a verbal agreement is fine — before sharing anything about their listing online.

3. Watch what you share on personal accounts. Many agents have Facebook business profiles that note their role as a real estate professional and the company they work for. That generally satisfies the requirement of Article 12, Standard of Practice 12-5, that REALTORS® must clearly identify themselves and their company when advertising online. But your personal Facebook profile may not include such details, and if you post listings or other advertorial material on that page, you could be violating the Code. Bruce Aydt, ABR, CRB, senior vice president and general counsel for Berkshire Hathaway HomeServices Alliance Real Estate in St. Louis, says it's not always clear when a post constitutes advertising. His rule of thumb is that if you're in doubt, include a link in the post to a webpage that displays your company's logo prominently. That's especially important on Twitter because you often can't fit the name of your company in each tweet.

4. Commiserating on commissions. A common topic that comes up in real estate-related Facebook groups is commissions. If someone is complaining about a commission they received and asking for feedback, it can be tempting to spill your own experience. But aside from it being in poor taste, you could be revealing confidential financial details about your client if you speak in too much detail about a commission, Wilcox says. Article 1, SOP 1-9, requires REALTORS® to preserve the privacy of confidential information about their clients even after the end of their business relationship. You would need their permission first before revealing such details publicly in order to avoid an ethics violation.

If you have questions about whether your online behavior is compliant with the Code, call your state or local association's legal hotline. Their input is important since enforcement of the Code is done at the local level.

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