

520-1-.09 Advertising.

(1) Media. This rule regulates advertising whether done personally by a licensee or through any media. The term “media” includes, but is not limited to, print, photographic, broadcast, and computer media including, but not limited to, such examples as newspapers, magazines, flyers, posters, business cards, billboards, radio, television, signs (including, but not limited to, office, directional, for sale, for lease, sold, or vehicle signs), newsletters, and the Internet.

(2) Misleading Advertising. Any advertising that is misleading or inaccurate in any material fact or in any way misrepresents any property, terms, values, services, or policies is prohibited. Whenever a licensee becomes aware that a principal with whom the licensee’s firm has a brokerage engagement is advertising to sell, buy, rent, lease, or exchange a property in such a manner that is inconsistent with this rule, the licensee must immediately take steps to stop the advertising until it complies with this rule.

(2.1) Advertising by Affiliated Licensees. All advertising by associate brokers, salespersons, and community association managers must be under the direct supervision and in the name of the broker who holds their licenses.

(3) Written Permission to Advertise. A licensee shall not advertise any property for sale, rent, lease, or exchange unless the licensee has first secured the written permission of the owner or the owner’s authorized agent. Where such permission is granted, a licensee advertising property that is listed with another licensee shall clearly and conspicuously disclose that fact and the name of the listing licensee unless the listing licensee has expressly agreed to waive those clear and conspicuous disclosures.

(4) Discriminatory Advertising Prohibited. A licensee shall not advertise to sell, buy, exchange, rent, or lease property when such advertisement is directed at or referred to persons of a particular race, color, religion, sex, handicap, familial status, or national origin. The contents of any advertisement must be confined to information relative to the property itself, and any advertisement that is directed at or referred to persons of any particular race, color, religion, sex, handicap, familial status, or national origin is prohibited.

(5) Internet Advertising. Any licensee who advertises any property for sale, rent, lease, or exchange on the Internet must remove such advertisement within ten days after the expiration of the listing. Note: See 520-1-.11(3) for requirements for licensees advertising as principals.

(6) Trade Names and Franchise Names. For purposes of this rule the term trade name shall include trade mark and service mark; and the term advertising shall include, but is not limited to, advertising done by others in behalf of the licensee.

(a) Any firm using a trade name or any franchisee in advertising specific properties for sale in any media clearly and unmistakably include said firm’s name as registered with the Commission in a manner reasonably calculated to attract the attention of the public. The firm’s name shall appear adjacent to any specific properties said firm advertises for sale so that the public may unmistakably identify the firm responsible for the handling of the listing of the specific property. In advertising a specific property or properties for sale, for rent, or for exchange, the name of the licensed firm offering the property for sale, for rent, or for exchange shall appear in equal or greater size, prominence, and frequency than the name or names of any affiliated licensees or groups of licensees.

(b) Any firm using a trade name or any franchisee shall on any signs, business cards, contracts, or other documents relating to real estate transactions clearly and unmistakably include said firm's name as registered with the Commission.

(c) Any firm using a trade name or any franchisee shall clearly and unmistakably include said firm's name as registered with the Commission on office signs.

(7) Firm Names and Telephone Numbers in Advertising. In advertising a specific property or specific properties for sale, for rent, or for exchange in any media:

(a) all firms must include in the advertisement a name of the firm that is registered with the Commission and a telephone number for the firm, except when complying with lawful restrictions (such as covenants or local governmental ordinances) that forbid the use of the firm's name on a particular type of sign;

(b) the name of the licensed firm offering the property for sale, for rent, or for exchange shall appear in equal or greater size, prominence, and frequency than the name or names of any affiliated licensees or groups of licensees;

(c) the firm's telephone number shall appear in equal or greater size, prominence, and frequency than the telephone number of any affiliated licensee or groups of licensees, and it must be a number at which the public can reach the broker or a manager without going through the affiliated licensee(s) listed in the advertisement;

(d) whether contained in a logo or standing alone, the name of the firm as registered with the Commission must be in equal or greater size, prominence, and frequency than the name of any affiliated licensee or group of licensees; and

(e) a block advertisement in any print media that advertises various listings of a brokerage firm and includes the name of the listing agent next to each listing shall be in compliance with this rule if the name of the brokerage firm appears only once at the top of the advertisement in equal or greater prominence and print size than any of the listing agent's names. The firm's name may be located in other positions in such block advertisements if the firm name appears clearly larger and more prominently than the name of any other licensee in the advertisement.

(8) Licensees Advertising as Principals. A licensee shall not advertise to sell, buy, exchange, rent, or lease property in a manner indicating that the offer to sell, buy, exchange, rent, or lease such property is being made by a private party not licensed by the Real Estate Commission.

(a) Every associate broker, salesperson, and community association manager is prohibited from advertising under the licensee's own name to buy any property or offering for sale, rent, or lease any property. All advertising by associate brokers, salespersons, and community association managers must be under the direct supervision and in the name of the broker who holds their licenses. However, when a licensee wishes to advertise property owned by the licensee and which is not under a brokerage engagement with a broker, the licensee may do so provided:

1. if the licensee's license is affiliated with a broker, the broker holding the licensee's license has been notified in writing of the specific property to be advertised;

2. regardless of whether the licensee's license is affiliated with a broker or on inactive status, any advertisement must include either (a) the legend "seller, buyer, landlord, tenant (select the appropriate name) holds a real estate license" or (b) the legend "Georgia Real Estate License # (insert licensee's six digit number; for example, 000001)."

"Georgia Real Estate License" may be abbreviated to "GA R. E. Lic.;" and

3. if the licensee's license is affiliated with a broker, the broker gives written consent to advertising the specific property and the advertisement itself.

(9) Licensees Advertising Approved Schools. A licensee shall not advertise that such licensee offers, sponsors, or conducts Commission approved courses or that such licensee offers, sponsors, or conducts Commission approved courses in conjunction with an approved school or other approved organization unless the licensee is approved by the Commission to offer such courses.

Authority O.C.G.A. Secs. 43-40-2, 43-40-3, 43-40-7, 43-40-12, 43-40-14, 43-40-16, 43-40-19, 43-40-20, 43-40-27, 43-40-27.1. **History.** Original Rule entitled "Business Name" adopted as ER. 520-1-0.1-.09. F. and eff. July 12, 1973. **Amended:** Permanent Rule entitled "Improper Use of Form Sale Contracts, Etc. Prohibited" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973. **Repealed:** F. May 8, 1981; eff. June 1, 1981, as specified by the Agency. **Amended:** New Rule entitled "Application" adopted. F. Nov. 8, 1984; eff. Dec. 1, 1984, as specified by the Agency. **Amended:** F. May 9, 1985; eff. July 1, 1985, as specified by the Agency. **Amended:** F. Aug. 11, 1989; eff. Sept. 1, 1989, as specified by the Agency. **Amended:** F. July 16, 1992; eff. Aug. 5, 1992. **Amended:** F. July 19, 1993; eff. Aug. 8, 1993. **Amended:** F. July 19, 1994, eff. Aug. 8, 1994. **Amended:** F. June 14, 1996; eff. July 4, 1996. **Amended:** F. Dec. 10, 1999; eff. Dec. 30, 1999. **Amended:** F. Jan. 23, 2002; eff. July 1, 2002, as specified by the Agency. **Repealed:** New Rule entitled "Advertising" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003. **Amended:** F. Sept. 21, 2004; eff. Oct. 11, 2004. **Amended:** F. Dec. 8, 2004; eff. Dec. 28, 2004. **Amended:** F. Mar. 9, 2005; eff. Mar. 29, 2005. **Amended:** F. June 8, 2005; eff. June 28, 2005.