

Q & A on advertising rule -- ND Administrative Code Chapter §70-02-03-02.1

70-02-03-02.1. Advertising.

1. Definition. As used in this section, the terms "advertise", "advertising", and "advertisement" include all forms of representation, promotion, and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity, including, at a minimum, advertising the sale or purchase of real estate or promotion of real estate brokerage services.
2. Trade name. Advertising must be done in the real estate brokerage agency's trade name as licensed with the commission and the trade name must be equal to or greater than, in size and visibility, the name of any salesperson, associate broker, or team on the advertising. Discipline of licensees based on failure to meet this size and visibility requirement will be delayed until January 1, 2023.
3. Contact information. Advertising must include information on how the public can contact the real estate brokerage agency.
4. Advertising by licensees. Advertising by licensees must be under the supervision of the designated broker. Such advertising may include a licensee's name and telephone number or other contact information, provided the real estate brokerage agency's registered business name or trade name and contact information are also clearly included as required in this section.
5. Deception and misrepresentation prohibited. Advertising and promotion must be free from deception and shall not misrepresent the terms of the sale or purchase, real estate brokerage agency policies, or real estate brokerage services.
6. A real estate broker may advertise, in the licensee's own name, property which is owned by the licensee, provided that following the licensee's name where it appears in the advertisement, the words "Owner/Licensed Broker" must also appear. The provisions of this subsection apply both to active broker licensees and licensees whose license is on an inactive status.
7. A real estate salesperson may advertise in that person's own name property which is owned by the salesperson, provided that following the name where it appears in the advertisement, the words "Owner/Licensed Salesperson" must also appear. The provisions of this subsection apply both to active salesperson licensees and licensees whose license is on an inactive status.
8. Teams. A team is two or more licensees who work for the same brokerage under the supervision of the designated broker, work together on real estate transactions to provide real estate brokerage services, represent themselves to the public as being part of a team, and are designated by a team name. Advertising by a team must comply with all requirements of section 70-02-03-02.1. Teams may not advertise in any manner which suggests a team is an independent real estate brokerage firm.

1. Can the contact information be the company's website or email address rather than the telephone number? The rule requires that advertising include information on how the public can contact the real estate brokerage agency. The purpose is to provide the consumer with a workable means to contact the company, not just the licensee. Contact information can be any of the following:
 - the company street address
 - the company telephone number
 - the company email address
 - the company website address/QR code (as long as it takes the consumer to the company information)

2. Do I need to have my brokerage contact information in each social media post?
The licensee's name and brokerage MUST be identified in the initial post. Brokerage contact information must be included in the post or within one click.
3. Do I have to have my company name and contact information on my home answering machine or on my personal cell phone voice mail?
Personal numbers are just that, personal. The company name and contact information are not required on the voice mail or answer machine greetings of your personal numbers.
4. Do I need to include my company's contact information on giveaway items such as pens, pencils, etc.?
Yes, as the rule states: "**Advertising.** 1. Definition. As used in this section, the terms "advertise", "advertising", and "advertisement" include all forms of representation, promotion, and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity, including, at a minimum, advertising the sale or purchase of real estate or promotion of real estate brokerage services."
5. Do I need to have my company's contact information on my text messages or my emails?
Yes, as noted in question #4 advertising is defined as and includes telephone, internet, email, electronic bulletin board or other similar electronic carrier systems.
6. We run our open house advertising in the MLS advertisement. Is the full company name and telephone number required if the advertisement is a part of the MLS open house advertisement?
If an open house advertisement is part of the Board's or Association's MLS open house advertisement, the following guidelines apply:
- The ad must contain the Board or Association name and contact information, such as telephone number and website address, and
 - Each individual open house advertisement must include the real estate company name as licensed.
7. My company's ad in the real estate magazine is more than one page. Do I need to have the company name and contact information on every page?
Yes, each page would be viewed as a separate ad.
8. Does my company name and contact information have to appear on each page of my website?
Yes.
9. I use my "DID" (direct inward dial) number. that is, the company number that rings directly to my desk. on my advertising materials such as sign riders and written advertisements. Is this acceptable as a company number?
No, it is not. The company contact information also must be on the advertisement. As the rule states, "advertising must include information on how the public can contact the real estate brokerage agency."
10. Is the company contact information required if the company name is on a shirt, jacket, or other types of apparel and is not promoting the individual?
No, this is promoting the company not an individual.