

One Click Away

Washington State Department of Licensing Advertising Disclosure Laws 2014

"Licensee" and "licensed firm" must be disclosed to the consumers according to the Washington State Department of Licensing (DOL). This is a consumer protection issue because it is important for the consumer to recognize the firm as licensed and have appropriate contact information should they want to contact the DOL or the firm. Many agents don't use their firm name or their licensed name on their advertising. So the Dept of Licensing created guidelines based on license laws.

The real estate firm name must be "**clear and conspicuous**" in any advertising. This means the representation or term being used is of such a color, contrast, size or audibility is presented in a manner so as to be readily noticed and understood.

Brokers and managing brokers should always show the licensee's name shown on their license as issued by the DOL. Brokers and managing brokers advertising using a name, title, or brand must:

- (a) Always use and display the firm's licensed name or the firm's licensed assumed name in a clear and conspicuous manner in conjunction with the use of such name, title, or brand.
- (b) Not use a name, title, or brand which suggests a legal entity separate and distinct from the firm, such as "Inc.," "LLC," "LLP," "Corp.," "firm," or "company."
- (c) Not use name, title, or brand commonly understood to reference a firm or an office, such as "realty," "realtors," "firm," or "real estate."
- (d) Receive advance written approval from the firm's designated broker to use an unlicensed title or brand.

Advertising by an individual licensee or a licensee operating as a team must always have the firm name unless the team name has been registered with the state as an "assumed name."

Licensed entities can use the internet in multiple ways to contact consumers about real estate services and to advertise properties or their services. More ways to use the internet are likely to be invented. Disclosure will help to ensure that online consumers know when they are dealing with a licensed entity, who they are and where their primary business office is located.

Licensed Firm Disclosure should contain the following information:

The firm's name or assumed name(s) as licensed or registered with DOL. If not a licensed firm doing business in WA State, the city and state in which the firm is located.

Licensee Disclosure should contain the following information:

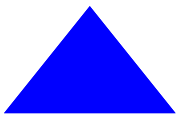
The licensee's name as shown on their license as issued by the DOL

The registered firm name or assumed name in which the licensee is affiliated as registered with DOL.

Full Disclosure refers to both "licensed firm disclosure" and "Licensee disclosure."

See next page

PROFESSIONAL
Direction
INC



Natalie Danielson

Professional Direction
13148 Holmes Pt Dr NE
Kirkland, WA 98034

Email: Clockhours@gmail.com

Twitter @clockhours

www.clockhours.com

www.clockhours.com

Social Media Advertising Guidelines

All internet related advertising that consumers can view or experience as a separate unit should require **full disclosure**. The burden of proof of such full disclosure falls on the licensee, the firm and the designated broker when addressing a consumer complaint. This disclosure does not apply once an agency relationship has been established with a buyer or seller. Examples of online communications include:

Social Media and Banner Ads

Full disclosure should be prominently displayed and easily understood and be no more than **“One Click Away”** from the viewable page. Each real estate firm should have and maintain a written policy regarding their licensee’s use of social media. Banner ads must have one click away disclosure unless it is on the ad.

The Web

Whenever a licensed entity owns a website or controls its content, every viewable page should include full disclosure. A viewable page is one that may or may not scroll beyond the borders of the screen and includes the use of framed pages. If you give permission for a 3rd party to advertise your listings, it is important to maintain regular and thorough oversight to ensure that the information is correct. It is important to adhere to copyright laws.

Email, Newsgroups, Discussion lists, Bulletin Boards

Such formats should include full disclosure at the beginning or end of each message. This would not apply to communications between a licensee and a member of the public provided that the member of the public has sent a communication to the licensee and the licensee’s initial communication contained the disclosure information required above.

Instant Messages

Full disclosure is not necessary if the licensed entity provided the written full disclosure via another format (e.g. Email or Letter) prior to providing or offering to provide licensable services.

Chat

Full disclosure prior to providing or offering to provide licensable services during the chat or in text visible on the same webpage that contains the chat session.

Multimedia Advertising

Full disclosure should be visible as part of the advertising message which includes Web based, executable email attachments and Video.

Procuring Prospects Online

- Licensees maintaining individual websites should ensure that when listings expire, sell, or have a price change that the information is updated in a timely manner.
- Websites maintained by the MLS should be updated in a timely manner
- Information provided to third party websites should be updated in a timely manner. The licensee should provide written communication of any change of listing status to the publisher in a timely manner.
- Licensee shall not give the impression that they are licensed in jurisdictions where they have no license.
- Licensed entities should not advertise other licensed entities’ listings without written permission. If given, the licensee should not alter the online display or any informational part of the listing without written permission of the Designated Broker or Listing Broker.
- Metatags are descriptive words hidden in a web site HTML code that search engines use to index the site. Most sites use common words such as real estate, Washington, city names, homes, houses, etc. Those uses are fine. Some website owners have also inserted competitor’s names into the metatags, so that when a potential customer searches for their site, the competitor’s site will also come up as a math. This should not be done. Courts have ruled that this constitutes trademark infringement.
- Licensees shall periodically review the advertising and marketing information on their website and update as necessary to assure that the information is current and not misleading.

These guidelines are subject to change at any time and as practice on the internet evolves, additional guidelines may be added. Licensees should be aware that all statutes and rules respecting advertising apply equally to the internet. This would include websites, email and any other potential online identification, representation, promotion or solicitation to the public that is related to licensed real estate activity. Licensees advertising on the internet should seek legal advice regarding compliance with local, state and national regulations. Compliance with WA Real Estate Dept of Licensing (DOL) guidelines does not ensure compliance with other jurisdiction guidelines, laws or regulations.