

Q & A on Advertising Rule

North Dakota Administrative Code §70-02-03-02.1

1. Is there a grace period for compliance?

The commission recognizes getting all existing advertising into compliance will be an ongoing process as new advertising is ordered. However, the effective date of the new rule was April 1, 2008, and it is the responsibility of the designated broker and the licensee to make sure advertising is in compliance with the rule.

2. 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.

3. 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."

4. 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.

5. 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 salesperson. Contact information can be any of the following:

- the company street address
- the company telephone number
- the company email address
- the company website address

6. How small is too small for the company name on an advertisement?

The requirement is that the brokerage agency's trade name be **prominently displayed** on advertising. The company trade name, as licensed with the commission, must be easily read and apparent to the public as it views the advertisement.

7. If I have my company contact information in my twitter profile do I also need to include it on every tweet?

The intent of the advertising rule is to ensure that it is clear to the consumer who a licensee works for & how to contact that entity. If you have your information in your twitter profile & the consumer can easily access that information it is not necessary to put it on every tweet.

8. 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 conducted by mail, telephone, the internet, the world wide web, electronic mail, electronic bulletin board, or other similar electronic common carrier systems, business cards, signs, television, radio, magazines, newspapers, and telephonic greetings or answering machine messages.