

**Sec. 20-328-5a. Misrepresentation, disclosure and advertising.**

- (a) A licensee shall not misrepresent or conceal any material facts in any transaction.
- (b) No licensee shall misrepresent the actual selling price of real estate to any lender or any other interested party, either verbally or through the preparation of a false sales contract.
- (c) A real estate broker shall exercise diligence at all times in obtaining and presenting accurate information in the broker's advertising and representations to the public. No broker shall advertise to sell, buy, exchange, rent or lease the property of another in a manner indicating the offer to sell, buy, exchange, rent or lease such property is being made by a private party not engaged in the real estate business. The real estate broker shall neither advertise without disclosing the broker's name nor permit any person associated with the broker to use individual names, telephone numbers or mailing addresses, to the exclusion of the name of such broker.
- (d) No real estate licensee shall modify or change the listing information of a real estate broker without the express permission of the real estate broker. No real estate licensee shall advertise real estate listed with a real estate broker with whom the real estate licensee is not affiliated without the permission of the listing real estate broker. No real estate licensee shall advertise real estate listed with a real estate broker with whom the real estate licensee is not affiliated without updating such advertising at least once every seventy-two (72) hours. No real estate licensee shall advertise real estate listed with a real estate broker with whom the real estate licensee is not affiliated without identifying that the real estate is not listed with the real estate licensee.
- (e) A real estate licensee advertising or marketing on an internet site, owned or controlled by the real estate licensee, shall include on the home page of the site on which the real estate licensee's advertisement or information appears the following data:
  - (1) licensee's name and office address as it appears on said licensee's real estate license;
  - (2) name of the real estate broker with whom the licensee is affiliated, as that real estate broker's name is registered with the commission;
  - (3) all states in which the licensee holds a salesperson or broker license;
  - (4) last date on which property information shown on the site was revised.
- (f) A real estate licensee using internet electronic communication for advertising or marketing, including but not limited to e-mail, e-mail discussion groups, and bulletin boards, shall include on the first or last page of all communications the following data:
  - (1) the licensee's name and office address;
  - (2) the name of the real estate broker with whom the licensee is affiliated as that real estate broker's name is registered with the commission;
  - (3) all states in which the licensee holds a salesperson or broker license.

(Effective May 18, 1990; Amended September 28, 1995; Amended February 4, 2004)