

TABLE OF CONTENTS

Definitions.....	vi
Notice to Sales Associates	vii
1. Advertising and Marketing.....	1
<u>Policy</u>	
1.1.1. Definition	1
1.1.2. Exclusions	1
1.1.3. Prohibitions	1
1.1.4. Requirements	2
1.1.5. Trademarks and Logos.....	2
1.1.6. Sponsoring Broker’s Assumed Names	2
1.1.7. Sales Associate’s Assumed Names.....	3
<u>Procedure</u>	
1.2.1. Preapproval Required.....	4
1.2.2. Advertising Requirements	4
1.2.3. Review before Submission	6
1.2.4. Advertising Contract Approval Required.....	6
1.2.5. Changes.....	6
1.2.6. Other Brokers’ Listings.....	6
1.2.7. Joint Advertising.....	6
1.2.8. Fax Policy	6
1.2.9. Email.....	6
1.2.10. Cold Calling Policy.....	6
2. Work Agreements and Compensation	7
<u>Policy</u>	
2.1.1. Work Agreements	7
2.1.1(a) Independent Contractor Agreements	7
2.1.1(b) Unlicensed Employee Agreements	7
2.1.1(c) Licensed Employee Agreements.....	7
2.1.2. Compensation	8
<u>Procedure</u>	
2.2.1. Work Agreements	9
2.2.1(a) Independent Contractors	9
2.2.1(b) Annual Confirmation for Independent Contractors	9
2.2.1(c) Unlicensed and Licensed Employee Agreements.....	9
2.2.2. Compensation	9
2.2.2(a) Receipt of Commission.....	9
2.2.2(b) Payment of Commission.....	9
2.2.2(c) Sharing Commissions	9

2.2.2(d) Disclosure of Fees from Service Providers.....	10
2.2.2(e) Disclosure of Fees from Residential Service Companies.....	10
3. Establishing Competency	11
<u>Policy</u>	
3.1.1. Authorization to Act	11
3.1.2. Designations at Sponsoring Broker’s Discretion.....	11
3.1.3. Maintenance of Required Licenses and Certifications	11
3.1.4. Required Education Requirements	11
3.1.5. Additional Licenses, Certifications and Education.....	11
3.1.6. Compliance with Code of Ethics	11
<u>Procedure</u>	
3.2.1. Authorization Agreement.....	12
3.2.2. Maintenance of Required Licenses and Certification.....	12
3.2.3. Request to Change Authority to Act.....	12
3.2.4. Change in Authority to Act.....	12
3.2.5. Notification of TREC Changes.....	13
3.2.6. Forwarding of TREC Notices.....	13
4. Records Management	14
<u>Policy</u>	
4.1.1. Records Defined.....	14
4.1.2. Duration of Maintenance	14
4.1.3. Disaster Plan Compliance.....	14
4.1.4. Ownership of Records.....	14
4.1.5. Privacy Policy	15
4.1.6. Confidentiality of Records.....	15
<u>Procedure</u>	
4.2.1. Cost of Creation and Delivery	16
4.2.2. Delivery to Sponsoring Broker	16
4.2.3. Protection of Personal Information.....	16
4.2.4. Verification Upon Termination.....	16
5. Trust Accounts	17
<u>Policy</u>	
5.1.1. Definition	17
5.1.2. Account Maintenance	17
5.1.3. Insured Accounts	17
5.1.4. No Commingling	17
5.1.5. Conversion to Commission.....	17
5.1.6. Accounting or Remittance of Trust Funds.....	17
5.1.7. Records Maintenance.....	18
<u>Procedure</u>	
5.2.1. Actions Authorized	19
5.2.2. Prompt Deposit	19
5.2.3. Notification of Activity.....	19

5.2.4. Reconciliation	19
5.2.5. Disbursements.....	19
6. Fiduciary Duty of Agents	20
<u>Policy</u>	
6.1.1. Duties	20
6.1.2. Relationships.....	20
6.1.3. Disclosure of Status as Salesperson or Broker	21
6.1.4. Intermediary Relationships Optional	21
6.1.5. Authorization of Intermediary Relationships.....	21
6.1.6. Limitation of Intermediary Actions	21
6.1.7. Appointments to Expand Intermediary Relationship.....	22
6.1.8. Intermediary Without Appointments	22
6.1.9. Confidentiality Required.....	22
<u>Procedure</u>	
6.2.1. Verification of No Existing Representation.....	23
6.2.2. Explain Agency Concepts.....	23
6.2.3. Disclosure of Representation	23
6.2.4. Information about Brokerage Services	24
6.2.5. Presentation of Offers	24
6.2.6. Broker Price Opinions.....	24
6.2.7. Disclosure to Principals	24
6.2.8. Disclosure to Buyers	24
6.2.9. Decisions to Terminate Representation	25
6.2.10. Actions Upon Termination of Representation	25
6.2.11. Consent for Intermediary Relationship.....	25
6.2.12. Appointments to Expand Intermediary Relationship.....	25

Sample

ADVERTISING AND MARKETING

ADVERTISING AND MARKETING POLICY

1.1.1. DEFINITION

The term "Advertising" includes all written or oral statements or communications made by or on behalf of a Broker or Salesperson which induces or attempts to induce a member of the public to use the services of the licensed real estate agent or a service provider. Advertising includes, but is not limited to, publications, radio and television broadcasts, all electronic media including email messages, text messages, social-networking websites and the Internet, business stationary, business cards, signs and billboards.

1.1.2. EXCLUSIONS

Advertising does not include: (i) communication from a Broker or Salesperson to a member of the public after the member of the public agrees to receive the information or service of the Broker or Salesperson, or (ii) listings or other real estate information available to the public on a licensee's website, extranet or similar site that is behind a firewall or similar filtering software which requires a password or registration to access that information.

1.1.3. PROHIBITIONS

Sales Associate is prohibited from the following:

- (a) Advertising in a way that is materially inaccurate or misrepresents the property, terms, values, services, or policies;
- (b) Advertising a property subject to an exclusive listing agreement without the permission of the listing Broker and without disclosing the name of the listing Broker unless the listing Broker has expressly agreed to waive disclosure;
- (c) Failing to remove an advertisement about a listed property within a reasonable time after closing or termination of a listing agreement, unless the status is included in the advertisement;
- (d) Identifying the Salesperson as a Broker in advertising;
- (e) Advertising a property in a manner that creates a reasonable likelihood of confusion regarding the permitted use of the property; or
- (f) Advertising in a way that indicates a limitation or preference based on race, color, religion, sex, handicap, familial status, national origin, or sexual orientation.