

CHAPTER 10
ADVERTISING

[Prior to 9/4/02, see 193E—Ch 1]

193E—10.1(543B) Advertising. A broker shall not advertise to sell, buy, exchange, rent, or lease property in a manner indicating that the offer to sell, buy, exchange, rent, or lease the property is being made by a private party not engaged in the real estate business, and no real estate advertisement shall show only a post office box number, telephone number or street address. Every broker, when advertising real estate, shall use the regular business name or the name under which the broker is licensed, and shall affirmatively and unmistakably indicate that the party is a real estate broker and not a private party. Each broker when operating under a franchise or trade name other than the broker's own name may license the franchise or trade name with the commission, or shall clearly reveal in all advertising that the broker is the licensed individual who owns the entity using the franchise or trade name.

10.1(1) Advertising shall include all forms of identification, representation, promotion and solicitation disseminated in any manner and by any means of communication to the public for any purpose related to licensed real estate activity. Forms of advertising shall include, but not be limited to, real estate brokerage checks, letterhead, and business cards.

10.1(2) Real estate advertising shall not be misleading or deceptive or intentionally misrepresent any property, terms, values, or policies and services of the brokerage.

10.1(3) All advertising shall be conducted under the supervision of the broker. The broker shall ensure the accuracy of the information and, upon becoming aware of a material error or an advertisement that is in violation of this chapter or Iowa Code chapter 543B, the broker shall promptly correct the error or problem within ten calendar days. If the advertising cannot be corrected within ten calendar days, the broker shall make every reasonable effort to initiate the corrective measures necessary to correct the error or problem as soon as possible.

10.1(4) A licensed firm advertising or marketing on a site on the Internet that is either owned by or controlled by the licensed firm must include the following data on each page of the site on which the firm's advertisement or information appears:

- a. The firm's name as registered with the commission (abbreviations are not permitted);
- b. The city and state in which the firm's main office is located; and
- c. The states in which the firm holds a real estate brokerage license.

10.1(5) A licensee advertising or marketing on a site on the Internet that is either owned by or controlled by the licensee must include the following data on each page of the site on which the licensee's advertisement or information appears:

- a. The licensee's name;
- b. The name of the firm with which the licensee is affiliated as that firm name is registered with the commission (abbreviations are not permitted);
- c. The city and state in which the licensee's office is located; and
- d. The states in which the licensee holds a real estate broker or salesperson license.

10.1(6) A firm using any Internet electronic communication for advertising or marketing, including but not limited to E-mail, E-mail discussion groups, and bulletin boards, must include the following data on the first or last page of all communications:

- a. The firm's name as registered with the commission (abbreviations are not permitted);
- b. The city and state in which the firm's main office is located; and
- c. The states in which the firm holds a real estate brokerage license.

10.1(7) A licensee using any Internet electronic communication for advertising or marketing, including but not limited to E-mail, E-mail discussion groups, and bulletin boards, must include on the first or last page of all communications the following data:

- a. The licensee's name;
- b. The name of the firm with which the licensee is affiliated as that firm name is registered with the commission (abbreviations are not permitted);
- c. The city and state in which the licensee's office is located; and

d. The states in which the licensee holds a real estate broker or salesperson license.

193E—10.2(543B) Advertising under own name. Salespersons and broker associates are prohibited from advertising under their own names unless they are the owners of the property they are advertising for sale, rent, lease or exchange, and on which no brokerage fees are to be paid. The sale must be completely a “for sale by owner” transaction. The property cannot be listed or advertised in any way that would make it appear to be listed with a brokerage. The affiliated licensee cannot function in any capacity that requires a real estate license, and the licensee shall be responsible for all advertising conducted on the licensee’s own behalf.

193E—10.3(543B) Signs on property. Placing a sign on any property offering it for sale, rent, lease, or exchange without the written consent of the owner shall not be considered in the best interest of the general public.

10.3(1) When a listing expires, unless a new written listing or extension is obtained, the licensee shall immediately cease advertising and active marketing of the property. The licensee shall make every reasonable effort to remove signs as quickly as possible.

10.3(2) The licensee shall make every reasonable effort to remove signs from the property after the transaction is closed. Sold signs and other signs shall not be left on properties without the written consent of the new owner of record.

These rules are intended to implement Iowa Code chapters 17A, 272C and 543B.

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